

Mayor & Board of Aldermen
REGULAR MEETING AGENDA
AUGUST 17, 2020

Town of Boonton
100 Washington Street
Boonton, NJ 07005

Open Public Meeting - 7:30 p.m.

The Meeting of August 17, 2020 is now being recorded and called to order via "GoToMeeting.com"

All cell phones must be muted

FLAG SALUTE AND ROLL CALL VOTE:

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

Adequate Notice

MAYOR'S STATEMENT

Pursuant to the requirements of RS 10:40-10, I announce and direct the Clerk to enter into the Minutes of this meeting an accurate statement to the effect that:

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 26, 2019 and this agenda was posted on August 14, 2020.
2. Notice of this meeting was published in the Citizen of Morris County and the Daily Record Newspapers on December 26, 2019 and a copy of this agenda was forwarded to each of the town's official newspapers on August 14, 2020.

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically N.J.S.A. 10:4-8(b), which authorizes the use of communications equipment to hold public meetings, and in consideration of Executive Order 107 issued by Governor Phil Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Town of Boonton hereby notifies the public that in order to protect the health, safety and welfare of its citizens, while ensuring the continuity and continued operations of government, the Town will hold its regularly scheduled public meeting by way of a dial-in conference call on Monday, August 17, 2020 beginning at 7:30 p.m.

During the public session, members of the public will be muted until the public comment portion of the meeting is opened, and then unmuted to allow for public comment. Please note that while muted, the public will still be able to hear the governing body conduct business. The public portion will be opened by the Town Administrator following the conclusion of formal business. Once the public portion is concluded, the public will again be muted for the duration of the meeting

Any member of the public who wishes to participate in the meeting may do so by calling the following number:

Board of Aldermen Meeting-August 17, 2020

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/748389429>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 748-389-429

Because of the COVID-19 crisis we have moved the Board of Alderman meetings to an online format. In order to assure that the meeting proceeds in an orderly fashion please observe the following guidelines:

1. Mute phone when not speaking. Do not log on through the computer and the telephone line as it creates audio issues. Choose only one. Unmute your phone when you are called on to speak or wish to speak.
2. Announce yourself when you are speaking – for instance “This is Mayor Corcoran” or “This is Richard Corcoran from Birch Street I would like to”
3. Speak slowly and clearly as it helps with the recording.

Members of the public who are unable to utilize the access method due to a disability may submit written comments or questions by contacting the Town Clerk at townclerk@boonton.org prior to the meeting, up until **Monday, August 17, 2020** at 3:00 p.m. The comments or questions, which must include the individual’s name and address, will be read into the record during the public portion of the meeting.

BOONTON HEALTH DEPARTMENT/OEM/FINANCE

1. Health Department: Public Health Nurse Mandi Bendett
2. OEM: Director Peter Herbert or Deputy Directors Scott Bednar and Michael Gulla
3. Finance: Jen Muscara, Tax Collector

2019 2nd quarter as of 8/13/2019	
Total billed for 2nd qtr. 2019	\$8,136,475.33
Total paid as of 8/13/2019	<u>\$7,867,208.06</u>
Balance as of 8/13/2019	\$ 269,267.27
Collection Percentage 96.69%	

2020 2nd quarter as of 8/13/2020
Total billed for 2nd qtr. 2020 \$8,360,267.84
Total paid as of 8/13/2020 \$8,181,146.14
Balance as of 8/13/2020 \$ 179,121.70
Collection Percentage 97.86%

2019 3rd quarter as of 8/13/2019
Total billed for 3rd qtr. 2019 \$8,592,822.16
Total paid as of 8/13/2019 \$8,050,487.79
Balance as of 8/13/2019 \$ 542,334.37
Collection Percentage 93.69%

2020 3rd quarter as of 8/13/2020
Total billed for 3rd qtr. 2020 \$8,718,650.29
Total paid as of 8/13/2020 \$8,157,973.57
Balance as of 8/13/2020 \$ 560,676.72
Collection Percentage 93.57%

4. Administrator: Neil Henry

CORRESPONDENCE

1. Correspondence from Tracy Pryer, Parks & Recreation Director, requesting approval to donate equipment to the Boonton High School Football Team.

To: Mayor Richard Corcoran
Board of Aldermen
Town Administrator; Neil Henry

I have enclosed a picture of some weight equipment that I presently have at the Recreation Center. It is currently not being used, and I see no potential use for it in the future.

I kindly ask that I be allowed to donate the equipment to the Boonton High School Football Team. I think it would be a great addition to their weight room, and they would most certainly get great use out of it. Go Bombers!!

Thank you for your consideration.
Respectfully, Tracy Pryer



CONSENT AGENDA
RESOLUTIONS 20-197 – 20-207

RESOLUTION 20-197

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN APPROVING MEETING MINUTES

WHEREAS, Minutes of the previous meeting(s) have been submitted to the Mayor and Board of Aldermen for their review and approval.

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 that the Minutes from the following meeting(s) are hereby approved as typed and filed in the Town Clerk's office:

August 3, 2020 – Regular/Closed Session

RESOLUTION 20-198

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 20-199

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR THE TRANSPORTATION ALTERNATIVES PROJECT FROM BOONTON HISTORIC MAIN STREET REVITALIZATION

WHEREAS, the Federal Highway Administration (FHWA) authorized funding up to an amount of \$198,366.13, for a Transportation Alternatives Project for the Boonton Historic Main Street Revitalization; and

WHEREAS, this authorization was based on the scope of work and budget agreed upon by the Town of Boonton and the NJDOT Division of Local Aid; and

WHEREAS, the scope of work in this authorization includes Preliminary Engineering (PE) Activities, and

WHEREAS, Final Design (FD) Activities will be authorized once PE activities have been completed; and

WHEREAS, it is necessary for the City to enter into a design contract between the Town of Boonton and Greenman-Pedersen, Inc. for the Preliminary Engineering (PE) Activities; and

WHEREAS, work cannot begin until this contract is executed by the Town of Boonton and Greenman-Pedersen, Inc.; and

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Boonton, County of Morris and State of New Jersey on this 17th day of August, 2020:

- I. The Mayor and Clerk are authorized to execute the attached contract with Greenman-Pedersen, Inc.

The Clerk is hereby directed to return four (4) original signed and sealed copies of the attached agreement for execution by Greenman-Pedersen, Inc.

RESOLUTION 20-200

RESOLUTION OF THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING PLANET NETWORKS, INC. TO USE NEW AND EXISTING POLES ERECTED WITHIN THE PUBLIC RIGHTS-OF-WAY FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

WHEREAS, Planet Networks, Inc. ("Planet Networks") is a telecommunications services provider authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, in accordance with N.J.S.A. 48:3-19, N.J.S.A. 27:16-6 and N.J.S.A. 48:17-8, Planet Networks has petitioned the Town of Boonton for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place."; and

WHEREAS, N.J.S.A. 27:16-6 provides, in part, that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality, or the board of public utility commissioners, shall consent thereto. When, in connection with any such grant, the consent of property owners is required by law, it shall be obtained before such grant of any such easement, right of way or use."; and

WHEREAS, N.J.S.A. 48:17-8 provides that, "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same"; and

WHEREAS, the Board of Aldermen finds that it is in the best interest of the Town and its citizens to grant such consent to Planet Networks.

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, that it does hereby grant permission and authority to Planet Networks. to install fiber optic cables and related facilities on existing utility poles within the public rights-of-way and to install new utility poles, upon the following terms and conditions:

1. Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
2. Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
3. Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
4. Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.

5. Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
6. Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
7. That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.
8. If a new utility pole is to be installed, Planet Networks, Inc., agrees to submit an escrow of \$750 for the application.
9. In addition, Planet Networks, Inc. shall provide an escrow of \$750 and reimburse the Town for any actual costs and any services rendered by the Town or its professionals in connection with the granting of this consent and use of the public right of way.
10. The term of this consent shall be fifteen (15) years.
11. Planet Networks, Inc. will supply the Town in advance of the installation of the fiber optics with appropriate mapping and notification of the installation of the fiber optic at least fifteen (15) days before undertaking such work.

This Resolution shall take effect immediately.

RESOLUTION 20-201

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,089,863 BOND ANTICIPATION NOTES OF THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT RESOLVED by The Mayor and Board of Aldermen of the Town of Boonton, In The County of Morris, New Jersey, as Follows:

Section 1. Pursuant to a bond ordinance of the Town of Boonton, in the County of Morris (the "Town") entitled: "Bond ordinance providing for the improvement of the Police Department headquarters in and by the Town of Boonton, in the County of Morris, New Jersey, appropriating \$165,000, and authorizing the issuance of \$157,000 bonds or notes of the Town, for financing such appropriation", finally adopted on June 1, 2020 (#08-2020), bond anticipation notes of the Town in a principal amount not exceeding \$157,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Town entitled: "Bond ordinance appropriating \$1,795,087, and authorizing the issuance of \$1,183,783 bonds or notes of the Town, for various improvements or purposes authorized to be undertaken by the Town of Boonton, in the County of Morris, New Jersey", finally adopted on July 6, 2020 (#10-2020), bond anticipation notes of the Town in a principal amount not exceeding \$1,183,783 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Town entitled: "Bond ordinance appropriating \$375,785, and authorizing the issuance of \$356,000 bonds or notes of the Town, for various improvements or purposes authorized to be undertaken by the Town of Boonton, in the County of Morris, New Jersey, for the water utility of the Town", finally adopted on July 6, 2020 (#11-2020), bond anticipation notes of the Town in a principal amount not exceeding \$356,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Town entitled: "Bond ordinance providing for the improvement of the sanitary sewerage system in and by the Town of Boonton, in the County of Morris, New Jersey, appropriating \$1,466,400,

and authorizing the issuance of \$1,393,080 bonds or notes of the Town, for financing such appropriation”, finally adopted on July 6, 2020 (#14-2020), bond anticipation notes of the Town in a principal amount not exceeding \$1,393,080 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Town (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Town in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Town at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. Any note issued pursuant to this resolution shall be a general obligation of the Town, and the Town’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Town, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 8. All action heretofore taken by Town officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

RESOLUTION 20-202

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE FOR BOONTON LOUNGE LLC (BOONTON BOWL).

WHEREAS, the following application has been filed with the Town Clerk for renewal of the Alcoholic Beverage License for the year 2020; and

WHEREAS, the Police Department has recommended the renewal of these licenses;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the following Alcoholic Beverage Control Application be processed:

**BOONTON LOUNGE LLC
1401-33-002-002**

RESOLUTION 20-203

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE FOR SHARKY'S WINGS & RAW BAR WEST LLC.

WHEREAS, the following application has been filed with the Town Clerk for renewal of the Alcoholic Beverage License for the year 2020; and

WHEREAS, the Police Department has recommended the renewal of these licenses;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the following Alcoholic Beverage Control Application be processed:

SHARKY'S WINGS & RAW BAR WEST LLC
1401-33-008-007

RESOLUTION 20-204

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE FOR DHRUVI & DHANI LLC (BOONTON LIQUOR LOCKER)

WHEREAS, the following application has been filed with the Town Clerk for renewal of the Alcoholic Beverage License for the year 2020; and

WHEREAS, the Police Department has recommended the renewal of these licenses;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the following Alcoholic Beverage Control Application be processed:

DHRUVI & DHANI LLC
1401-44-004-004

RESOLUTION 20-205

RESOLUTION AUTHORIZING THE REDUCTION OF CASH PERFORMANCE BOND – 217 WEST MAIN STREET

WHEREAS, 217 West Main LLC has entered into a developer's agreement with the Town of Boonton and in connection therewith submitted a cash performance bond in the amount of and \$ 1,814.40, \$18,144.00 for Site Improvement Costs and 90% Performance Bond Amount of \$16,329.60 for their project located at 217 West Main Street; and;

WHEREAS, 217 West Main LLC has recently requested a reimbursement of any remaining moneys as all work has been completed; and

WHEREAS, Suburban Consulting Engineers has monitored the progress of site improvements throughout construction with regularly scheduled inspections in coordination with the applicant's and contactor's notification of scheduled activities; and

WHEREAS, SCE finds that the contract has been completed; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that the Chief Finance Officer is hereby directed to release the remaining escrow and bonds associated with this project, in the amount of \$1,118.51.

RESOLUTION 20-206

A RESOLUTION OF THE TOWN OF BOONTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY WHICH IS NO LONGER NEEDED FOR PUBLIC USE BY THE TOWN

WHEREAS, the Town of Boonton is the owner of certain land and premises within the Town of Boonton known as Block 30, Lot 14, and known as 1210 Cedar Street; and

WHEREAS, the Mayor and Board of Aldermen do hereby determine that the land and property known as Block 30, Lot 14 is no longer needed for public use; and

WHEREAS, the Town of Boonton desires to make available for public sale said land.

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

1. The Town of Boonton hereby declares that the land and premises known as Block 30, Lot 14 is no longer needed for public use, and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Mayor and Board of Aldermen of the Town of Boonton hereby authorizes the Town Clerk to offer for sale to the highest bidder of the property known as Blok 30, Lot 14.
3. The Mayor and Board of Aldermen makes no representation as to the title or any other aspects of the land to be sold.
4. In the event the Mayor and Board of Aldermen is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Town shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Town shall extinguish any claims the said purchaser may have against the Town of Boonton in connection with the quality of title conveyed.
5. The Mayor and Board of Aldermen reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Town.
6. The Town of Boonton will not represent, warrant, or guarantee the right to build on or improve the property listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
7. A public notice of sale shall be published in the Town's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13.
8. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.
9. This resolution will take effect immediately upon its passage.

NOW THEREFORE BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, in the County of Morris and State of New Jersey, that the Town of Boonton authorizes the sale of this land and property, no longer needed for public use.

RESOLUTION 20- 207

RESOLUTION AUTHORIZING APPLICATION FOR GRACE LORD PARK TRAIL AND SLOPE REMEDIATION

WHEREAS, the Mayor and Board of Aldermen of the Town of Boonton has determined that an application be prepared by Capital Alternatives Corporation, the grants specialists engaged by the Town of Boonton for assistance in such matters: and

WHEREAS, Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the Town of Boonton for the following stated project: Grace Lord Park Trail and Slope Remediation

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton that application is made to the Commissioner of Transportation for aid under the 2020 Transportation Alternatives Program.

CONSENT AGENDA VOTE

Roll Call Vote for Resolutions 20-197 through 20-207

MOVED:		SECOND:			
Mayor Corcoran will open this portion of the meeting for the Board's Comments					
BOARD MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Bock					
Ms. DeVenezia					
Mr. Fenske					
Mr. Lynch					
Dr. Renfro-Michel					
Mr. Robillard					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

UNFINISHED BUSINESS

ORDINANCE 17-20 (Public Hearing/Adoption)

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, LIMITING AND REDUCING THE INFLOW OF ADDITIONAL WATER INTO THE TOWN'S SANITARY SEWER SYSTEMS

WHEREAS, the Town seeks to reduce taxpayer costs by prohibiting the discharge of water from any roof, surface, ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Town's sanitary sewer system, as those costs are ultimately passed on to the taxpayer; and

WHEREAS, the Town seeks to preserve and maintain its sanitary sewer system, and prevent overloading and flooding which creates the potential to cause significant damage and threat to individual properties, as well as the system as a whole; and

WHEREAS, all water that enters the system must be treated at a sewerage treatment plant, and by reducing and eliminating this inflow of "clean water" into the sanitary sewer system and that subsequent unnecessary treatment, the expenses to the Town and the citizens will be reduced and will also assist in protecting the health, safety and welfare of the residents of the Town; and

WHEREAS, the Mayor and Board of Aldermen have determined that it is unnecessary to take these steps to limit and reduce the inflow of additional water into the Town's sanitary sewer systems.

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

SECTION 1. Chapter §229-78. Title.

This article shall be known as Article IX. "Procedures to Prohibit Sump Pump or Other Connections to Sanitary Sewer."

§229-79. Intent and Purpose.

The implementation of this section will aid the Town by limiting and reducing the inflow of additional water into the sanitary sewer systems. By prohibiting the discharge of water from any roof, surface ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Town's sanitary sewer system, the Town is seeking to reduce costs, as well as protect against other damaging effects. The Town's sanitary sewer system has on occasion in the past been overloaded and

flooded, thereby creating the potential to cause significant damage and threat to individual property, as well as the sewer system. Furthermore, all water that enters the system must be treated at a sewerage treatment plant. Therefore, by reducing and eliminating this inflow of “clean water” into the sanitary sewer system, and its subsequent unnecessary treatment, the expense to the Town and its residents will similarly be reduced, and at the same time will assist in protecting the health, safety and welfare of the Town’s residents.

§229-80. Violation.

- A.** Prohibited Discharges. No person or entity shall discharge or cause to be discharged any storm water, groundwater, roof runoff, yard drainage, yard founding, swimming pool, pond, overflow, or any other substance other than sanitary sewerage into the sanitary sewer collection system. No person, business or other entity shall discharge or cause to be discharged any hazardous substances into any public sewers.

- B.** Amnesty Period for Disconnection
 - 1.** On or before December 31, 2020, any person, business, or other entity who shall have a connection described above and who shall voluntarily report said connection to the Town, so that said illicit connection shall be remedied, shall have any and all permit, connection, and inspection fees waived by the Town. This waiver of fees applies only to Town fees, and does not include the actual cost of remediation.

 - 2.** After December 31, 2020, any person, business, or other entity who shall have a connection described above, and shall fail to voluntarily report such connection by December 1, 2020, shall be liable for all permit fees, inspection fees, and connection fees as required by the Town to remedy the illicit Connection.

- C.** Manner of Disconnection.
 - 1.** Any property owner, tenant, landlord, or other person with a property interest who shall have a connection in violation of this Ordinance, or not obtained a waiver pursuant to Section 229-85, shall immediately remove such connection and correct such situation. If not removed or corrected within one hundred and twenty (120) calendar days after receiving a Notice of Violation which has been personally delivered or delivered via certified mail, the Town shall impose a Surcharge in the amount provided for in Section 229-82.

 - 2.** All disconnections of said illicit connections shall be accomplished by a complete and permanent method and performed in a competent manner and approved and inspection by the Town Building Inspector, any Town sub-code inspector, the Town Fire Code Official and/or Town Engineer. Any disconnection, plugging, capping, re-routing, altering, or modifying must be done in accordance with all applicable state and municipal building codes.

 - 3.** Upon issuance of the Surcharge pursuant to Section 229-82, if the property owner, tenant, landlord, or other person with a property interest remedies the illicit connection, said property owner, tenant, landlord, or other person with a property interest shall contact the Town’s Building Department for an inspection of the connection by the Town’s Building Inspector, a Town sub-code inspector, the Town Fire Code official or Town Engineer, and upon certification that the illicit connection has been remedied, the Surcharge shall be lifted, beginning the month following the inspection and certification. If, however, on a subsequent and periodic inspection for which a property was subject to the Surcharge, the illicit connection exists, the Surcharge amount as provided for in Section 229-82 shall be calculated from the previous inspection date.

§229-81 Inspections.

The Building Inspector, Town Engineer, Town Fire Code official and/or a Towns sub-code inspector, as long as they display the proper credentials and identification, shall be permitted to request entrance to any property for the purpose of inspecting, observing, testing and sampling to confirm that there is no sump pump or other

prohibited discharge into the sanitary sewer system in accordance with this Chapter. Any owner, tenant, landlord, or other person with a property interest who shall refuse entrance to the Building Inspector, Town Engineer, Town Fire Code official or Town subcode inspector, shall immediately become subject to the monthly Surcharge noted in Section 229-82 of this ordinance. Said property shall remain subject to the monthly Surcharge until such time as an inspection is permitted to ensure compliance by the Town of all terms of this Chapter.

§229-82 Surcharge.

- A.** A surcharge of fifty dollars (\$50) per month is hereby imposed upon every sewer utility bill to property owners, tenants, landlords, or other persons with a property interest for the following conditions:
 - 1. Not in compliance with this ordinance.
 - 2. Refuse of property inspection
- B.** If the Surcharge is not paid and received by the Town of Boonton, a lien shall be imposed upon the property as per N.J.S.A. 40:14B-42.
- C.** Said Surcharge shall remain on the property and sewer utility bill until such time as the Town Building Inspector or Town Engineer certifies that the property owner, tenant, landlord, or other person with a property interest is in full compliance with this ordinance.

§229-83 Appeal of surcharge.

Any property owner who shall be assessed a Surcharge pursuant to this ordinance shall have a right to appeal to the Municipal Court for the purposes of providing compliance with this ordinance.

§229-84 Municipal assistance.

The Town of Boonton shall assist and provide guidance to any property owner, tenant, landlord, or other person with a property interest in remedying the situation, as it involves a matter of public concern and the health, safety and welfare of the community in remedying the illicit connection. Except as specifically set forth in this ordinance, all costs associated to comply with this ordinance shall be borne by the property owner, tenant, landlord, or other person with a property interest.

§229-85 Waiver.

Any person, business, or other entity, who shall by inspection or voluntary reporting is determined to be in violation of any section of this ordinance, shall be permitted to file for a waiver of the Surcharge requirements of Section 229-82, if they can provide that they have exhausted all possible remedial measures. Remedial measures include but are not limited to, the installation of a dry-well, the connection to a storm sewer, and/or use of one's own property for discharge of the water, so long as such discharge does not adversely affect any neighboring property owner. Upon certification of the Building Inspector and/or town Engineer, the person, business, or other entity shall be granted such waiver, but only for such time as to when a remedy becomes available. If such remedy is made available by the Town, it shall notify the person, business, or other entity that they shall comply with this ordinance within one hundred twenty (120) days of receiving said notice. Failure to comply will result in the imposition of a Surcharge as per Section 229-82.

SECTION 2. All ordinances of the Town of Boonton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

MOVED:		SECOND:			
Mayor Corcoran will open this portion of the meeting to the Public					
BOARD MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Bock					
Ms. DeVenezia					
Mr. Fenske					
Mr. Lynch					
Dr. Renfro-Michel					
Mr. Robillard					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

ORDINANCE 18-20 (Public Hearing/Adoption)

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, SETTING SEWER AND WATER UTILITY RATES FOR THE YEAR 2020, AND MAKING RECOMMENDATIONS TO A FUTURE GOVERNING BODY

WHEREAS, the Town’s sewer system and water utility have been underfunded, and as a result, there is a pressing need to address the financial considerations and the long-term viability, structure and capital improvement needs for both systems; and

WHEREAS, the Town’s Financial Committee has prepared an extensive analysis and review of the future needs of both systems, and

WHEREAS, that analysis was prepared in careful consideration of the Town Engineer’s recommendations, and

WHEREAS, in order to move both systems forward in a viable way, each requires financial budgeting amendments to their respective rate structures, specifically, the Sewer Utility from 2020 through 2025 and the Water Utility from 2020 to 2023; and

WHEREAS, the Financial Committee believes and concludes that there is a need for rate adjustments for both systems, over time, as opposed to being fully accomplished in one year; and

WHEREAS, the rate increases recommended are due to the fact the rates have not been increased in over a decade, and again without necessary maintenance and improvement, both systems will deteriorate, run a deficit, and result in compelled funding from the general fund; and

WHEREAS, the Board of Aldermen can only adjust rates for the current year, but desires to make responsible recommendations to subsequent Governing Bodies who can later approve adjustments to the rates, to ensure the viability of both systems for the public’s health, safety and welfare moving forward.

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

Section 1. The Sewer Utility and Water Utility Rates are hereby set for the Year 2020 as follows:

The Sewer Utility Rate for the year 2020 shall be Twenty-Five percent (25%); and.

The Water Utility Rate for the year 2020 shall be Five-Percent (5%); and

NOW THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, that in year 2021, the above noted recommendations of the Financial Committee be promptly presented to the Board of Aldermen for future financial consideration, and any necessary adjustment be made to the recommended rates, in order to support the sustainability of the Sewer and Water systems as noted above.

SECTION 2. All ordinances of the Town of Boonton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

MOVED:		SECOND:			
Mayor Corcoran will open this portion of the meeting to the Public					
BOARD MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Bock					
Ms. DeVenezia					
Mr. Fenske					
Mr. Lynch					
Dr. Renfro-Michel					
Mr. Robillard					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

NEW BUSINESS

ORDINANCE 19-20 (Introduction/Title Only)

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE DARRESS THEATER IN AND BY THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$761,000 BONDS OR NOTES OF THE TOWN FOR FINANCING SUCH APPROPRIATION

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

General Discussion

Mayor & Board of Aldermen, Town Attorney, Town Administrator

MEETING OPEN TO THE PUBLIC

Mayor Corcoran will open the meeting to the public for comment

ADJOURN

There being no further business, the meeting shall adjourn.

MOVED:	SECONDED:	TIME:
VOICE VOTE:	IN FAVOR: ____	AGAINST: ____
