

**Mayor & Town Council**  
**REGULAR MEETING AGENDA**  
**May 2, 2022**

Town of Boonton  
100 Washington Street  
Boonton, NJ 07005

Open Public Meeting – 7:30 p.m.

**Public Meeting will be held LIVE and via ZOOM**

*If you are unable to attend the Public Meeting live, please see instruction below:*

You are invited to a Zoom webinar.

You are invited to a Zoom webinar.

When: May 2, 2022 07:30 PM Eastern Time (US and Canada)

Topic: Mayor and Town Council Meeting - May 2nd, 2022

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/86162830453>

Or iPhone one-tap :

US: +19292056099,,86162830453# or +13017158592,,86162830453#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215  
8782 or +1 346 248 7799

Webinar ID: 861 6283 0453

International numbers available: <https://us06web.zoom.us/j/kBZDB8RUQ>

Please note that there are two separate passcodes. One is for the internet link and the other is for telephone dial-ins. Please use the appropriate passcode for your method of participation.

Those accessing the meeting via the internet link should make sure that you are using an up-to-date internet browser. Outdated browsers may not support all Zoom functions.

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](mailto:townclerk@boonton.org) prior to the meeting, up until **Monday, May 2, 2022** 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.

*Please be advised that all comments made through the Zoom “Chat” function will not be a part of the meeting and minutes. Only comments made through the “Open to the Public” section of this meeting will be recognized and addressed.*

**FLAG SALUTE AND ROLL CALL VOTE**

COUNCIL MEMBER	TITLE	PRESENT	ABSENT
Mr. John Meehan	1 <sup>st</sup> Ward Council Member		
Mr. Cyril Wekilsky	1 <sup>st</sup> Ward Council Member		
Ms. Marie DeVenezia	2 <sup>nd</sup> Ward Council Member		
Dr. Edina Renfro-Michel	2 <sup>nd</sup> Ward Council Member		
Mr. Joseph Bock	3 <sup>rd</sup> Ward Council Member		
Mr. Joseph Fenske	3 <sup>rd</sup> Ward Council Member		
Mr. James Lynch	4 <sup>th</sup> Ward Council Member		
Mr. Michael Wade	4 <sup>th</sup> Ward Council Member		
Mr. Richard Corcoran	Mayor		
Mr. Fred Semrau	Town Attorney		
Mr. Edward Pasternak	Town Attorney		
Mr. Neil Henry	Town Administrator		
Ms. Cynthia Oravits	Deputy Town Clerk		

**CLOSED SESSION**

**RESOLUTION 22-  
RESOLUTION TO RECESS INTO CLOSED SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings act, Chapter 231 P.L. 1975 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 Town Council 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: \_\_\_\_\_
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.
5. No action may be taken in Closed Session.

<b>MOVED:</b>		<b>SECONDED:</b>	
VOICE VOTE:	IN FAVOR	AGAINST:	

**OPEN PUBLIC SESSION – 7:30 P.M.**

<b>FLAG SALUTE AND ROLL CALL VOTE:</b>			
COUNCIL MEMBER	TITLE	PRESENT	ABSENT
Mr. John Meehan	1 <sup>st</sup> Ward Council Member		
Mr. Cyril Wekilsky	1 <sup>st</sup> Ward Council Member		
Ms. Marie DeVenezia	2 <sup>nd</sup> Ward Council Member		
Dr. Edina Renfro-Michel	2 <sup>nd</sup> Ward Council Member		
Mr. Joseph Bock	3 <sup>rd</sup> Ward Council Member		
Mr. Joseph Fenske	3 <sup>rd</sup> Ward Council Member		
Mr. James Lynch	4 <sup>th</sup> Ward Council Member		
Mr. Michael Wade	4 <sup>th</sup> Ward Council Member		
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 Open Public Meetings Act, adequate and electronic notice of this live and remote Zoom meeting have been provided as follows:

1. Notice of this meeting was published in the Citizen of Morris County and the Daily Record Newspapers and a copy of this agenda was forwarded to each of the town's official newspapers.
2. Notice of this meeting and the agenda were posted on the bulletin board at Town Hall, 100 Washington Street, Boonton, NJ 07005.
3. Notice of this meeting was posted on the outside front door and ADA accessible door of Town Hall.
4. Notice of this meeting and the agenda were posted on the Town website and the Town of Boonton Facebook page.

**BOONTON HEALTH DEPARTMENT/OEM/FINANCE**

Finance	Jen Muscara, Tax Collector/Mayor Corcoran 2020 2 <sup>nd</sup> quarter as of 4/27/2020 Total billed for 2 <sup>nd</sup> qtr. 2020      \$8,360,267.84 Total paid as of date above      \$1,752,811.04 Balance as of date above      \$6,607,456.80 Collection Percentage 20.97%  2021 2 <sup>nd</sup> quarter as of 4/27/2021 Total billed for 2 <sup>nd</sup> qtr. 2021      \$8,285,137.86 Total paid as of date above      \$1,859,760.82 Balance as of date above      \$6,425,377.04 Collection Percentage 22.45%  2022 2 <sup>nd</sup> quarter as of 4/27/2022 Total billed for 2 <sup>nd</sup> qtr. 2022      \$8,606,105.42 Total paid as of date above      \$1,860,797.01 Balance as of date above      \$6,745,308.41 Collection Percentage 21.62%
Administration/Health Dept.	Neil Henry

**CONSENT AGENDA  
Resolutions 22-122 through 22-128**

"An abstention does not count toward the final tally, but it has the same effect as a no vote for ordinances based on the Town's form of government.

A recusal does not add to a quorum, and usually involves withdrawing from the entire proceeding, due to a conflict of interest (or avoiding the appearance thereof). An absence from a meeting neither adds to a quorum, nor allows a vote on a matter."

If this simplified form only adds to further questions, here is a more detailed statement by way of further explanation:

An abstention does not count toward the final tally, but it has the same effect as a "no" vote based on the Town's form of government. Said another way, when a member abstains, they are in effect attending only to contribute to having a quorum. The NJ Appellate Part ruled abstentions may not be counted as "no" votes in Zimmer v. Castellano. However, and again due to the Town's form of government, because we have a 9-member voting board, in order for anything to pass, there must be 5 affirmative votes, and that applies whether there are 5, 6, 7, 8 or 9 members present. An "abstention vote" is actually not a vote at all--and generally focuses on the final decision.

A recusal does not add to a quorum. A quorum is number of members of a board required to hold a meeting or take action. A recusal usually involves withdrawing from the entire proceeding, usually for a conflict of interest (or avoiding the appearance thereof). When a member recuses, they must refrain from deliberation and voting on the matter.

If an elected member is absent from a meeting, that member neither adds to a quorum, nor votes on a matter.

**RESOLUTION 22-122**

**EMERGENCY CONTRACT DECLARATION FOR CONTRACT TO PROVIDE IT SERVICES**

**WHEREAS**, The Town of Boonton recently experienced a cyber-attack, which compromised at least one email within the Town’s Department of Public Works; and

**WHEREAS**, the Town of Boonton has an emergent need to immediately engage IT services to address the issue; and

**WHEREAS**, Nisivoccia Consulting LLC successfully bid to provide the Town’s IT services starting on May 2, 2022; and

**WHEREAS**, Nisivoccia Consulting LLC has agreed to provide IT services prior to that date, due to the Town’s emergent need, and pursuant to the attached proposal and agreement, see attached at “Exhibit A”; and

**WHEREAS**, this cyber-attack incident is also being handled by the Town’s insurance carrier, and Nisivoccia Consulting LLC agrees to act in coordination with such efforts; and

**WHEREAS**, it is the recommendation of the aforementioned professionals that there be immediate action to secure the threat posed by the cyberattack; and

**WHEREAS**, the aforementioned conditions constitute a time-sensitive emergency, warranting the invocation of N.J.S.A. 40A: 11-6, Emergency Contracts, based upon the above noted professional opinions, and so as to protect public safety; and

**WHEREAS**, the Mayor and Town Council hereby accept these professional recommendations, and direct the Administrator to immediately negotiate or award, without public advertising for bids and bidding, and notwithstanding that such contract price may exceed existing bid thresholds, such contract to secure the Town’s IT infrastructure.

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

1. The Mayor and Council of the Town of Boonton acknowledge and declare the existence of an emergency pursuant to N.J.S.A. 40A:11-6, et seq., requiring the immediate delivery of materials, supplies and services so as to stabilize the Town’s IT infrastructure, as noted above.
2. Due to the time-sensitive nature of such emergency repairs, the Administrator shall be entitled to execute an agreement with Nisivoccia Consulting LLC, and take any other necessary steps, and perform any other actions so as to ensure the Town’s IT infrastructure is stabilized and secured, and in full coordination with the Town’s insurance carrier and its policy of insurance, in accordance with N.J.S.A. 40A:11-6, et seq.

This Resolution shall take effect immediately.

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**RESOLUTION 22-123**

**RESOLUTION OF THE MAYOR AND TOWN COUNCIL APPROVING MEETING MINUTES**

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

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Town Council 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:

March 21, 2022 Regular Session  
April 18, 2022 Closed Session  
April 18, 2022 Regular Session

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**RESOLUTION 22-124**

**RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

**WHEREAS**, vouchers for payment have been submitted to the Mayor and Town Council by the various municipal departments.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Town Council 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.

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**RESOLUTION 22-125**

**RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AWARDING AN IT CONTRACT TO NISIVOCIA CONSULTING LLC**

**WHEREAS**, the Mayor and Town Council have heretofore received specifications constituting a public bid package to retain IT services; and

**WHEREAS**, the Town of Boonton publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the following project: Bid #04-2022 IT Consultant Services; and

**WHEREAS**, on the publicly advertised bid opening date, the Town of Boonton received proposals from the following vendors with respective Bid Amounts:

	<b>BID</b>	<b>COST</b>
1	Nisivoccia Consulting	\$ 36,216.00
2	Integrated Media	\$46,000.00

and;

**WHEREAS**, said bid has been duly reviewed and analyzed by the Town of Boonton Attorney and Administration; and

**WHEREAS**, it has been determined that the lowest responsive bid received was from Nisivoccia Consulting LLC, which makes Nisivoccia Consulting LLC, the lowest responsive, responsible bidder; and

**WHEREAS**, the Mayor and Town Council are satisfied with the proposal submitted by Nisivoccia Consulting LLC as being in the best interests of the Town of Boonton and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Town of Boonton wishes to proceed with this necessary project and for that purpose accepts the proposal submitted by Nisivoccia Consulting LLC.

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

1. The Mayor and Town Council, upon the recommendation of the Administrator and as reviewed by the Town Attorney, hereby award an IT services contract for two years, effective on the date of publication, with an option to extend, to the lowest responsible bidder, Nisivoccia Consulting LLC, for the sum of \$36,216.00 (Thirty-Six Thousand Two Hundred Sixteen dollars) - (\$165.00/hour).
2. The contract will also include work to upgrade the IT infrastructure to provide new telephone service.
3. This award is contingent upon certification by the Chief Financial Officer that sufficient funding exists therefore.
4. Notice of this action shall be published in "The Daily Record" newspaper within ten (10) days of the passage thereof.
5. The Mayor and Town Clerk are specifically authorized to execute the aforementioned contract.

6. This Resolution and contract shall be available for public inspection in the office of the Town Clerk.
7. This Resolution shall take effect immediately.

I hereby certify that funds are available in the  
"Computer Contracts Budgets", 2-01-20-100-245, 2-05-55-502-234 and 2-07-55-  
502-260 – split evenly \$12,072.00/each.

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Michael Yazdi, CFO

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**RESOLUTION 22-126**  
**RESOLUTION APPOINTING DEPUTY RECORDS CUSTODIAN**

**WHEREAS**, the Open Public Records Act N.J.S.A. 47:1A-1.1 was adopted to assure the public’s access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying of government records; and

**WHEREAS**, OPRA defines “custodian of a government record” as that official designated by formal action of a public agency’s governing body that has custody or control of the government records of the public agency as per N.J.S.A. 47:1A-1.1; and

**WHEREAS**, OPRA provides that the custodian of government records in a municipality is the Municipal Clerk. However, OPRA does not preclude a municipality from developing reasonable and practical measures for responding to OPRA requests, which may include the designation of deputy custodians for particular types of records.

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

1. The Municipal Clerk be and is appointed as the Records Custodian for all municipal records.
2. The Public Safety Director shall appoint a deputy custodian for all police records requests. Said custodian contact information shall be posted on the Town of Boonton Website.

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**RESOLUTION 22-127**  
**RESOLUTION OF THE MAYOR AND TOWN COUNCIL REGARDING ANNUAL FLOWER PLANTINGS BY GIRL SCOUTS**

**BE IT RESOLVED** by the Mayor and Town Council that Girl Scout Troop #98168 will be conducting annual planting of flowers throughout Town at the following locations for 2022:

Mayor’s Park (Lathrop & Old Boonton Road)  
Grace Lord Park (in front of the monument)  
Welcome to Boonton sign at the Washington Street bridge  
Welcome to Boonton sign at Vreeland and Myrtle Avenues  
Senior Center

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**RESOLUTION 22-128**  
**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BOONTON APPOINTING JEFFREY W. YANEZ AS PART-TIME SEASONAL LABORER IN THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, a temporary seasonal employee is needed in 2022 within the Department of Public Works on an “as-needed” basis.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Town Council that Jeffrey W. Yanez be and is hired as a part-time seasonal employee for the DPW at an hourly wage of \$15.00/hour.

**CONSENT AGENDA VOTE**  
**Roll Call Vote for Resolutions 22-122 through 22-128**

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<b>MOVED:</b>			<b>SECOND:</b>		
<b>Mayor &amp; Town Council Discussion</b>					
<b>MOVED:</b>			<b>SECOND:</b>		
<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>RECUSE</b>	<b>ABSENT</b>
Mr. Bock					
Ms. DeVenezia					
Mr. Fenske					
Mr. Lynch					
Mr. Meehan					
Dr. Renfro-Michel					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

**UNFINISHED BUSINESS**

**ORDINANCE 04-22** (Public Hearing/Adoption)  
**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BOONTON AMENDING A SECTION OF THE BO**

**BE IT ORDAINED** by the Mayor and Council of the Town of Boonton, as follows:

Section 1. Section 201-33 shall be amended to add the following handicap locations:

William Street One (1) space in front of 201 William Street

Section 2. This ordinance shall take effect in accordance with the law.

<b>MOVED:</b>			<b>SECOND:</b>		
<b>Mayor &amp; Town Council Discussion</b>					
<b>MOVED:</b>			<b>SECOND:</b>		
<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>RECUSE</b>	<b>ABSENT</b>
Mr. Bock					
Ms. DeVenezia					
Mr. Fenske					
Mr. Lynch					
Mr. Meehan					
Dr. Renfro-Michel					
Mr. Wade					
Mr. Wekilsky					
Mayor Corcoran					

**GENERAL DISCUSSION**

1. Cannabis License Application Discussion
2. Town Events

**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.

<b>MOVED:</b>	<b>SECONDED:</b>	<b>TIME:</b>
VOICE VOTE:	IN FAVOR: ____	AGAINST: ____