

**Mayor & Board of Aldermen  
REGULAR MEETING MINUTES  
SEPTEMBER 21, 2020**

Town of Boonton  
100 Washington Street  
Boonton, NJ 07005

Closed Session Meeting – 6:00 p.m.  
Open Public Meeting - 7:30 p.m.

*All cell phones must be turned off*

**FLAG SALUTE AND ROLL CALL VOTE:**

ALDERMAN	TITLE	PRESENT	ABSENT
Mr. Edward Robillard	1 <sup>st</sup> Ward Alderman/Board President	X	
Mr. Cyril Wekilsky	1 <sup>st</sup> Ward Alderman	X	
Ms. Marie DeVenezia	2 <sup>nd</sup> Ward Alderwoman	X	
Dr. Edina Renfro-Michel	2 <sup>nd</sup> Ward Alderwoman	X	
Mr. Joseph Bock	3 <sup>rd</sup> Ward Alderman	X	
Mr. Joseph Fenske	3 <sup>rd</sup> Ward Alderman	X	
Mr. James Lynch	4 <sup>th</sup> Ward Alderman	X	
Mr. Michael Wade	4 <sup>th</sup> Ward Alderman	X	
Mr. Richard Corcoran	Mayor	X	
Mr. Fred Semrau	Town Attorney	X-6:45	
Mr. Edward Pasternak	Town Attorney	X	
Mr. Neil Henry	Town Administrator	X	
Ms. Cynthia Oravits	Town Clerk	X	

**CLOSED SESSION**

**RESOLUTION 20-229**

**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 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: Contract Negotiations, Attorney/Client Privileges
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: WEKILSKY</b>		<b>SECONDED: WADE</b>
<b>VOICE VOTE:</b>	<b>IN FAVOR: X</b>	<b>AGAINST:</b>

**OPEN PUBLIC SESSION – 7:30 P.M.**

**The Meeting of September 21, 2020 is now being recorded and called to order via “gotomeeting.com”**

*All cell phones must be turned off*

**FLAG SALUTE AND ROLL CALL VOTE:**

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

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 26, 2019 and **this** agenda was posted on September 18, 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 September 18, 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, September 21, 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:

General Session-September 21 2020-Board of Aldermen

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

<https://global.gotomeeting.com/join/925942989>

**You can also dial in using your phone.**

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

**Access Code:** 925-942-989

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](mailto:townclerk@boonton.org) prior to the meeting, up until **Monday, September 21, 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.

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**BOONTON HEALTH DEPARTMENT/OEM/FINANCE**

1. Health Department: *Public Health Nurse Mandi Bendett reported that as of 3:00 pm today, there are 90 cases of COVID-19. Increases can be associated with college students going back to school. She is scheduling the flu clinic on October 20, 2020. Town Hall employees, DPW and Police will be given the vaccines first.*

*Upon Alderman Wekilsky's question about how long the number of cases are carried over from week to week, saying it seems they don't change, Nurse Bendett confirmed these are cumulative totals since March 15, 2020.*

2. OEM: Director: *Deputy Director Scott Bednar reported that last week, he, Bob Ezzi and Peter Herbert attended the County OEM meeting. The state is currently holding a three-month supply of PPE and our OEM plans to follow their example.*

*Because of Hurricane Isaias, 16 counties submitted reports to FEMA. A Hazardous Mitigation Plan for the town is in the approval process. Once approved by FEMA, it will be brought to the Town of Boonton for resolution.*

*Mayor Corcoran asked if we currently have the 3-month supply of PPE and Mr. Bednar confirmed.*

3. Finance: Jennifer Muscara, Tax Collector

*Mayor Corcoran said we continue to watch what these numbers show at this time during COVID-19. So far, we have been able to do very well.*

2019 3rd quarter as of 9/21/2019

Total billed for 3rd qtr. 2019 \$8,592,822.16

Total paid as of 9/21/2019 \$8,365,434.37

Balance as of 9/21/2019 \$ 227,387.82

Collection Percentage 97.35%

2020 3rd quarter as of 9/21/2020

Total billed for 3rd qtr. 2020 \$8,718,650.29

Total paid as of 9/21/2020 \$8,466,388.13

Balance as of 9/21/2020 \$ 252,262.19

Collection Percentage 97.11%

2020 4th quarter as of 9/21/2020

Total billed for 4th qtr. 2020 \$7,627,317.53

Total paid as of 9/21/2020 \$78,764.50

Balance as of 9/21/2020 \$7,548,553.03

Collection percentage 1.03%

2019 4th quarter as of 9/21/2020

Total billed for 4th qtr. 2019 \$8,526,880.23

Total paid as of 9/21/2020 \$108,151.42

Balance as of 9/21/2020 \$8,418,728.81

Collection percentage 1.27%

4. Administrator: *Neil Henry reported that the senior bus preparations to be operating shortly are just about complete. Hopefully, it will be operational on October 1, 2020.*

*Regarding outdoor eating in tents with flaps, he spoke to Health Director Peter Tabbott who said 50% of the space must remain open.*

**CORRESPONDENCE**

1. Correspondence received from Tracy Treible to Tax Collector Jennifer Muscara regarding a returned check fee.

*On Tue, Sep 8, 2020, 1:26 PM Tracy Treible*

*Dear Jennifer -*

*Thank you for getting back to me regarding the \$30 fee I was charged for mistakenly entering my check's routing number. I am aware of the ordinance, but I am also aware that the town is charging me this fee as a penalty, when they were not charged any fee due to my mistake. In essence, they are profiting an additional \$30 for human error.*

*While I understand that you personally cannot waive the fee for me, I am kindly asking that you direct to someone who has that capability. As you are aware, this is a crazy time for all of us, and I have been out of work for several months. Though \$30 does not seem like a large sum, it impacts me greatly during this time. I also believe that this is a harsh consequence for making a mistake. I paid the bill, and I paid the associated interest and credit card fees; I just messed up with the numbers. I am asking for your compassion and understanding in this circumstance, and if you truly cannot waive the fee please direct me to someone who can.*

*Sincerely,*

*Tracy Treible*

**RESOLUTION 20-36 (Adopted 1/1/2020)**

**RESOLUTION AUTHORIZING A FEE FOR RETURNED CHECKS**

***BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that there shall be a charge of \$30.00 of each check returned for insufficient funds, or for any other reason, to be paid in cash to the Treasurer.***

<b>DISCUSSION</b>	
<i>The Mayor and Board of Aldermen chose to remove the \$30 fee from Ms. Treible's account.</i>	
MOTION: WEKILSKY	SECOND: WADE
Approve: YES	Deny:

2. Original Water Color done by Russell Conn donated to the Town of Boonton from Ms. Linda VonCino.



DISCUSSION	
<i>The Mayor and Board of Aldermen accepted this donation and a letter of thanks is being sent to Ms. VonCino.</i>	
MOTION: WEKILSKY	SECOND: WADE
Approve: YES	Deny:

**PRESENTATION**  
**2019 MUNICIPAL AUDIT**

*Kathryn Mantell, CPA, Registered Municipal Accountant for the Town of Boonton gave a presentation on the 2019 Town of Boonton Audit. They observed the governing body and administration are on top of the current operations. Tax collections are being monitored which is the biggest factor. Water and Sewer and utilities are up. They advised the Town that the rates needed to be studied which has now been done so those results will be stronger. Avalon Bay contributions have come in which is a positive factor.*

*Accountant Brian Ko added that our audit is comprised of finance & compliance reports. There are two Audit recommendations: 1) Fixed Asset Inventory and 2) Interfund Balances were in effect at the end of the year and they have recommended them to be liquidated.*

***Mayor Corcoran opened this portion of the Meeting for Public Questions to the Auditor. Having nobody speak, he closed this portion of the meeting.***

**CONSENT AGENDA**

**RESOLUTION 20- 230**

**RESOLUTION CERTIFYING THE MAYOR AND BOARD OF ALDERMEN’S COMPLIANCE WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:5-4**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations  
and

**WHEREAS**, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

evidenced by the group affidavit form of the Governing Body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52-to wit:

R.S. 52:27BB-52-“A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one

thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Boonton hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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**RESOLUTION 20- 231**

**RESOLUTION APPROVING CORRECTIVE ACTION PLAN FOR THE 2019 AUDIT TO THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS**, pursuant to the requirements of Local Finance Notice 92-15 dated July 8, 1992, a corrective action plan shall be prepared addressing the recommendations provided in the annual audit of the Town’s books, accounts and financial transactions; and

**WHEREAS**, the Annual Audit of the Town of Boonton for the Year 2019 provides two recommendations, which is reflected in the Corrective Action Plan.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Boonton directs the Chief Financial Officer to file a copy of this resolution along with the Corrective Action Plan with the Director, Division of Local Government Services.

1. **Description:** The Town obtain the updated fixed asset inventory report from the independent appraisal company and review it for its completeness and accuracy to adequately maintain its fixed assets accounting and reporting system.

**Analysis:** The Town has contracted with an independent appraisal company to prepare and update the Town’s fixed assets inventory but has not yet received or reviewed the inventory report due to delays caused by COVID- 19.  
The CFO will obtain the updated fixed asset inventory report from the independent appraisal company as soon as possible and review it for its completeness and accuracy to adequately maintain the Town’s fixed asset accounting and reporting system.

2. **Description:** A continued effort be made to ensure that all interfund balances are liquidated in a timely manner.

**Analysis:** The CFO will continue to monitor cash balances and ensure that interfund balances are liquidated by year-end.

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**RESOLUTION 20-232**

**RESOLUTION OF THE TOWN OF BOONTON, IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING BLOCK 70, LOTS 1, 2, 3, 5, 21.01, 21.02 AND BLOCK 1, LOTS 1, 2, 5, 5.01, 5.02, 6, 6.01, 6.02 (INCLUDING FORMER LOT 6.03), 7, 8, 9, 10, 11, 12, 13, 14 AND 15 BE CLASSIFIED AN AREA IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION AUTHORITY**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

**WHEREAS**, on May 18, 2020, the Mayor and Board of Aldermen ("**Board of Aldermen**") of the Town of Boonton, ("**Town**"), adopted Resolution 20-134 directing the Town of Boonton Planning Board (the "**Planning Board**") to undertake an investigation to: (i) determine whether all or a portion of certain property identified on the tax maps of the Town as Block 70, LOTS 1, 2, 3, 5, 21.01, 21.02 AND Block 1, LOTS 1, 2, 5, 5.01, 5.02, 6, 6.01, 6.02 (including former lot 6.03), 7, 8, 9, 10, 11, 12, 13, 14 AND 15 constitute a non-condemnation area in need of redevelopment (the "**Study Area**") pursuant to the Redevelopment Law; and

**WHEREAS**, the Planning Board caused Topology (the "**Planning Consultant**") to conduct an investigation to determine whether the Study Area should be designated a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant dated July 24, 2020, entitled, "Preliminary Investigation, Block 1 and Block 70, Boonton, NJ (the "**Report**")"; and

**WHEREAS**, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its recommendation to the Board of Aldermen, as to whether the Study Area should be designated as non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by the determination that the Study Area is an area in need of redevelopment; and

**WHEREAS**, the Planning Board held a duly noticed public meeting at which time the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which time all persons who were interested in or would be affected by a determination regarding the Study Area had the opportunity to be heard; and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board on August 12, 2020 that the Study Area satisfies the criteria for a redevelopment area designation as set forth in the Redevelopment Law pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a resolution accepting and adopting the recommendation contained in the Report and recommending that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, for the reasons set forth in the Report; and

**WHEREAS**, on September 9, 2020, the Planning Board adopted a resolution memorializing its recommendation that the Study Area be designated as a “non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, the Mayor and Board of Aldermen agrees with the conclusion of the Planning Board that the Study area satisfies the criteria for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

**WHEREAS**, the Mayor and Board of Aldermen now desire to declare the Study Area as a non-condemnation area in need of redevelopment, pursuant to N.J.S.A.40A:12A-6.

**NOW THEREFORE**, be it resolved by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, New Jersey as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Based on the Report and the recommendation of the Planning Board, the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law. Accordingly, the Study Area is hereby designated as a non-condemnation area in need of redevelopment.

Section 3. The Study Area is further hereby designated as a Non-Condemnation Redevelopment Area” as referenced in the Redevelopment Law.

Section 4. The Mayor and Board of Aldermen hereby direct the Town Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 5. This resolution shall take effect in accordance with applicable law.

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**RESOLUTION 20-233**

**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:

September 8, 2020

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**RESOLUTION 20-234**

**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.

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**RESOLUTION 20-235**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF PERMANENT SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Town of Boonton desires to employ the services of Robert Ezzi, in the role of permanent Superintendent of the Department of Public Works; and

**WHEREAS**, it is the desire of the Mayor and Board of Aldermen to enumerate certain benefits and establish certain conditions and terms of employment with said Employee; and

**WHEREAS**, the Employee desires to accept employment as the permanent Superintendent of the Department of Public Works for the Town of Boonton; and

**WHEREAS**, Robert Ezzi is hereby appointed, in accordance with the terms of an Agreement which is on file with the Municipal Clerk's Office.

**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 appointment of Robert Ezzi as the permanent Superintendent of the Department of Public Works for the Town of Boonton, as described above, is hereby authorized.

**BE IT FURTHER REVOLVED** that the Mayor and Town Clerk are hereby authorized to take all such actions necessary to finalize said appointment.

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**RESOLUTION 20-236**

**A RESOLUTION OF THE TOWN OF BOONTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF A NON-PENSIONABLE STIPEND TO TEMPORARY ZONING OFFICER**

**WHEREAS**, the Governor of the State of New Jersey has noted that it is *imperative for New Jersey's 565 municipalities to operate more efficiently, and ensure better delivery of services for residents*; and

**WHEREAS**, the Town recognizes Mary Ann Marcello for her service and efforts as a Temporary Zoning Officer for the Town of Boonton and shall be compensated and receive a non-pensionable stipend in the amount of \$3500.

**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 the Town of Boonton shall compensate Ms. Marcello for her services, and receive a non-pensionable stipend in the amount of \$3500.

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**RESOLUTION 20-237**

**RESOLUTION AUTHORIZING THE REIMBURSEMENT OF ESCROW AND ENGINEERING FEES ASSOCIATED WITH CONSTRUCTION AT 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 engineering and escrow fees in the amount of and \$ 2,102.46; 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.

**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 fees associated with this project, in the amount of \$ 2,102.46.

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**RESOLUTION 20-238**

**RESOLUTION APPOINTING FRANK LAVENBURG AS TEMPORARY PART-TIME ELECTRICAL SUB-CODE OFFICIAL**

**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 appointment of Frank Lavenburg be and is hereby employed by the Town of Boonton, as temporary part-time Electrical Sub-code Official at an hourly rate of \$45.00 effective immediately.

**Roll Call Vote for Resolutions 20-229 through 20-238**

<b>MOVED: WEKILSKY</b>		<b>SECOND: RENFRO-MICHEL</b>			
<b>Mayor Corcoran opened this portion of the meeting for the Board's comments. No Comments.</b>					
<b>BOARD MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>RECUSE</b>	<b>ABSENT</b>
Mr. Bock	<b>X</b>				
Ms. DeVenezia	<b>X</b>				
Mr. Fenske	<b>X</b>				
Mr. Lynch	<b>X</b>				
Dr. Renfro-Michel	<b>X</b>				
Mr. Robillard	<b>X</b>				
Mr. Wade	<b>X</b>				
Mr. Wekilsky	<b>X</b>				
Mayor Corcoran	<b>X</b>				

**NEW BUSINESS**

**General Discussion**

**Mayor & Board of Aldermen, Town Attorney, Town Administrator**

Discussion regarding Pepe Field & Playground

*Mayor Corcoran indicated that funds were a part of the budget for upgrading the Pepe Playground. The DPW committee went out and discussed the area in July/August. Then Recreation Director Tracy Pryer was directed to get quotes for new equipment.*

*Ms. Pryer spoke about quotes she received. She said there were two options and not enough money was budgeted for the most expensive option. She said either the Town accepts the less expensive option now, or wait until next year to go with the higher option.*

*Alderman Lynch asked if Ms. Pryer can share those proposals with the Board and she indicated they will be sent immediately to them all.*

*Alderman Fenske said this is overdue and is glad something is being done now.*

*Alderwoman DeVenezia asked if there are costs that would be fixed between the two plans. She was told the floor surface is the same for both. Ms. DeVenezia then asked if there is a median cost between the two plans and Ms. Pryer told her this is all custom equipment; however, she can go back and ask for something "in the middle of the road".*

*Alderwoman Renfro-Michel said there was a significant amount of play value for the children in the \$300,000 plan. The space cannot accommodate the equipment we wanted and asked if there is any way to extend the playground to make it larger. Ms. Renfro-Michel said she met with the engineer and was told it would be very hard to enlarge it.*

*Mayor Corcoran directed Ms. Pryer to forward the costs to the Mayor and Board in order for the board to do something at the next meeting adding it is the goal to make the best decision for the taxpayers.*

*Alderwoman Renfro-Michel spoke about the DPW. Leaf pickup will be coming up. Tree trimming continues.*

*Signed contracts have been received for the Morris County Preservation grants for the train trestle and arch bridge. She is also finishing up contracts for the Ironworks grant.*

*The Kanouse Street Park contact has been signed. When it is returned, we can begin bidding this project. She added that Charlene Oselador and Tracy Pryer will take charge of this grant saving the Town \$13,000.00*

**UNFINISHED BUSINESS**

**ORDINANCE 20-20** (Final Reading/Public Hearing)

**AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, GRANTING AN ACCESS EASEMENT**

**WHEREAS**, there was complaint filed by Retained Realty Inc., a New York Corporation (hereinafter "Retained"), as to its property located at 116 Essex Avenue in the Town of Boonton, against Douglas Kay and Karen Sorandes (hereinafter "Kay and Sorandes") and the Town of Boonton, and

**WHEREAS**, Kay and Sorandes later added as Third-Party Defendants Francis D. McIntyre, Esq. and the Law Office of Francis D. McIntyre, and the action by Retained seeks compensation for the impermissible extinguishing of an easement by Kay and Sorandes to Rockaway Street, as well as the Town's prior refusal to grant an easement to Essex Avenue; and

**WHEREAS**, it a resolution has been adopted by the Administration to amicably resolve this matter by way of the granting of an easement to Essex Avenue, in further consideration of evidence in regard to the existing driveway to Essex Avenue; and

**WHEREAS**, by way of settlement, the Plaintiff and Defendants shall pay to the Town of Boonton the aggregate sum of \$23,000, and

**WHEREAS**, as part of such settlement the Town shall be released from any claims with respect to access, title issues or any other claim of right; and

**WHEREAS**, the contemplated access easement has already been a long-standing access for the property, based on historical data and mapping, and

**WHEREFORE**, a driveway with curb cut has been in existence for some time, and as such, the granting of such an easement is not a new entrance; and

**WHEREAS**, all costs as to such easement shall be borne by parties other than the Town of Boonton; and

**WHEREAS**, it is the considered opinion of Mayor and Board of Aldermen, without prejudice, that such claim should be resolved in accordance with the terms negotiated by the Town attorney;

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

**Section 1. Access Easement Granted from 116 Essex Avenue to Essex Avenue**

1. Retained Realty, Inc., is the present owner of the property commonly known as 116 Essex Avenue, Tax Lot 29.01 in Lot 112, Boonton, New Jersey (the "Property").
2. The Property does not front Essex Avenue or any other public street in the Town of Boonton (the "Town").
3. The Property is zoned R-1A, is approximately 11,891 sq. ft. in size (where 12,500 sq. ft. is required), and is improved by a two-story frame dwelling and a detached garage.
4. The Town owns the real property commonly known as Grace Lord Park (the "Park") and a portion of the Park lies between the property line of the Property and the curb of Essex Avenue.
5. There exists an improved driveway running across the Park from the Property to Essex Avenue (the "Driveway"). A survey of the Property and the Driveway is attached hereto as Exhibit "A."
6. Since at least as early as 1947, owners of the Property regularly used the Driveway as a right of way for ingress from and egress to Essex Avenue. There is no record of the Town granting any owner of the Property an easement or other right for such use, and no record of the Town serving a cease and desist or other notice on any owner of the Property asking that such use be stopped.
7. Whereas, in or about November 4, 1983 the Town entered into a Green Acres Development Grant Contract with the State of New Jersey, recorded November 10, 1987 in Deed Book 2980 at Page 707, that includes the Park (the "Contract"). A copy of the Contract is attached hereto as Exhibit "B."
8. The Driveway existed prior to the Contract and its use since has not changed, varied, altered or the like.
9. The presence and use of the Driveway does not interfere with any site preparation, tot lot, fitness course, picnic areas, pathways, basketball court renovation, ramps, bocci courts, lighting, landscaping or conservation to be performed, installed or maintained by the Town under the Contract.

10. Based on the location, configuration and size of that part of the Park on which the Driveway has been located, again since at least as early as 1947, its existence and continued use for ingress and egress to Essex Avenue will not violate any requirement of the Contract and will not have any negative effect on the public good, or be an impairment to the intent and purpose of the Town's zoning plan.
11. The grant of a permanent easement for the Driveway is consistent with its historic use and access of record to and from a public road, Essex Avenue, will facilitate necessary and much needed repairs, renovations, improvements and replacements to the Property and structures thereon, consistent with the purpose of replacing housing stock in poor condition with new or much upgraded structures.
12. A metes and bounds description of the Easement is attached hereto as Exhibit "C."

**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 an Access Easement as described above hereby be granted.

**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: DeVENEZIA		SECOND: WADE			
<b>PUBLIC HEARING – ORDINANCE 20-20 ONLY – NO COMMENTS</b>					
BOARD MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Bock	X				
Ms. DeVenezia	X				
Mr. Fenske	X				
Mr. Lynch	X				
Dr. Renfro-Michel	X				
Mr. Robillard	X				
Mr. Wade	X				
Mr. Wekilsky	X				
Mayor Corcoran	X				

**MEETING OPEN TO THE PUBLIC**

Mayor Corcoran opened the meeting to the public for comment – *No Comments*

**ADJOURN**

MOVED: WADE	SECONDED: DeVENEZIA	TIME: 8:47 PM
VOICE VOTE:	IN FAVOR: X	AGAINST: _____

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Cynthia A. Oravits, Town Clerk

Those attending on Gotomeeting.com:

Mayor & Board	Bob Ezzi	Eric Joinson	Linda Hogoboom
Fred Semrau	Brian K	PB	Mandi Bendell
Ed Pasternak	Richard Gozinya	K	Natalie Piscarcik
Town Clerk Oravits	Chris Colley	Kathi Mantell	Pat
Administrator Henry	Dave Mayood	Lidia lenaro	Scott Bednar
			Tracy Pryer