

I. Tuesday, September 5, 2023 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Borough Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act.

All stood for the Pledge of Allegiance.

**II. ROLL CALL**

On the Roll Call, Council Members present were: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

ABSENT: Gemian

Present from Administration: Borough Administrator Perry Mayers, CFO, Fabiana Mello, and Chris DiLorenzo  
Borough Attorney

**III. MAYOR’S AGENDA:**

**I. Discussion – Certificate of Continuing Occupancy Ordinance**

Perry Mayers, Borough Administrator, said that the Code enforcement/Zoning Officer, Chris Taormina, is present to speak about a certificate of continuing occupancy Ordinance.

Chris Taormina, Code Enforcement Officer, was present and asked for consideration in adopting an Ordinance that requires commercial properties to obtain a distinct, local certificate separate from the UCC statutes.

After difficulties encountered with revocation of a Uniform Construction Code (UCC) Certificate of Continued Occupancy (CCO), it was discovered that the Borough does not have a codified requirement for CCO inspections. Additionally, through Department of Community Affairs (DCA) publications, it was noted that the DCA does not recommend codifying a CCO as a local requirement for commercial reoccupancy, as this certification is regulated under the UCC. As a result, it is recommended that the Borough enacts an ordinance that requires commercial properties to obtain a distinct, local certificate separate from the UCC statutes. The purpose of this local certificate would be to conduct a life and safety inspection and verify the conditions of reoccupied properties. This certificate would be issued by the Zoning, Planning, or Construction department and would be able to provide conditions under which the certificate could be revoked, suspending occupancy. These conditions would have to be specific, known to the tenant, and possibly undergo some type of review by the Borough Administrator.

**II. Discussion- Requested/Recommended Salary Adjustments (Closed Session)**

Perry Mayers, Borough Administrator, said that we have a request for a closed session to discuss salaries of various employees of the Borough. The closed session will take place at the end of tonight’s meeting.

**III. Request Resolution Authorizing Tax Collector to Make Overpayment Refunds**

| BLOCK/LOT/QUAL                        | NAME                        | AMOUNT      | REASON                                                         |
|---------------------------------------|-----------------------------|-------------|----------------------------------------------------------------|
| 3/9.10<br>9 Sherbrooke Dr.<br>7/55    | Corelogic                   | \$ 6,043.62 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 69 William St.<br>46.8/46             | Corelogic                   | \$ 2,713.01 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 144 Harvest Lane<br>74/2.1            | Corelogic                   | \$ 2,022.94 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 98 Algonquin Ave.<br>120.2/116        | Corelogic                   | \$ 5,085.15 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 88 Riveredge Rd.<br>136.1/30.5/C3005  | Corelogic                   | \$ 1,389.59 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 265 Gettysburg Way<br>136.2/4.7/C4007 | Corelogic                   | \$ 1,936.29 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 79 Robertson Way<br>143/2             | Corelogic                   | \$ 1,855.15 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 32 Parsons Rd.<br>46.7/5              | Corelogic                   | \$ 2,586.76 | Refund 3rd quarter tax payment, owner & Mortgage Co. both paid |
| 5 Stonyridge Dr.                      | Gonzalez, Nydia<br>Affinito | \$ 1,995.37 | Refund 3rd quarter tax payment, Mortgage Co. & owner both paid |

Council concurred and a Resolution will be on the September 18, 2023 Agenda.

**IV. Request Resolution Authorizing Tax Collector to make Tax Adjustments**

A. Application for 100% Disabled Veteran Exemption approved by Tax Assessor

| <b>Block/Lot</b> | <b>Name</b>                                                        | <b>Amount</b> | <b>Adjustment</b>                     |
|------------------|--------------------------------------------------------------------|---------------|---------------------------------------|
| 7.4/1.16         | Anzelmo, Gary/Ruth<br>14 Patania Ct<br>(Application Date 12/15/22) | \$3,383.12    | Cancel 3rd Qtr Tax<br>100% Exempt Vet |
|                  |                                                                    | \$3,383.11    | Cancel 4th Qtr Tax<br>100% Exempt Vet |

**Council concurred and a Resolution will be on the September 18, 2023 Agenda.**

**V. Request Introduction of Ordinance Providing Compensation Ranges**

- A. Ordinance will set salary ranges for stated positions
- B. Actual annual salaries to be set by Council Resolution at later date
- C. All ranges were increased to accommodate anticipated increases in 2024
- D. Required by N.J.S.A. 40:69A-1 et seq. (Faulkner Act)

**Council concurred and an Ordinance for Introduction is on tonight's Agenda.**

**IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:**

**Antonetti:** Centennial Park update – Phase #3 tentative installation date is September 18, 2023. Centennial benches have been delivered, assembled, and placed either at Centennial Park or Lincoln Park Community Lake.

Pickleball courts are under construction. Asphalt to be poured this week and will need to settle for approximately thirty (30) days before top court is painted with lines, etc.

The Lake is closed for the season.

Recreation revenues through August 31, 2023 is \$153,000.00. This total is from Camp and the Lake.

Upcoming events: Lincoln Park Day, Saturday September 23, 2023. 5K, Saturday October 14, 2023. Pantry Plunge at the Lake, Saturday November 18, 2023. Winter Wonderland at the Lake with Fireworks, Saturday December 2, 2023.

**Gemian:** Absent

**Gurkovich:** Asked Councilman Antonetti about the bocce ball courts and the walking path that the mayor approved. Is there any update?

Councilman Antonetti said that he does not have an update on either but will ask the Recreation Department.

The library has been opened for the past two (2) months now. We are still working on the punch list. I am working on the parking spaces with Perry. In regard to the library concerts that were held at the lake, the concerts in July were attended by 200 attendees and the concerts in August were attended by 400 attendees. A formal grand opening at the library will be held on Saturday October 14, 2023.

Before renovations at the library were done, there was a bicycle rack out in the front. The bicycle rack disappeared. Is there any way that we can get that back?

Perry Mayers, Borough Administrator, said that he will look into that.

**Moeller:** The DPW is painting the crosswalks for the schools. The DPW will be working on the Centennial Park track this week. Draining work on the roads to be paved this year. John Pannici was promoted to Assistant Superintendent after Ron leaves.

A complaint was made for kids on bicycles that are not forced to wear helmets.

Perry Mayers, Borough Administrator, said that he will bring the complaint to the Police Chief.

**Ross:** No report

**Thompson:** I was approached by some of the Seniors in Town about a ping pong table that maybe the Town would invest in. They would like to use a ping pong table sometimes in the morning at the PAL building during the winter. I know the PAL building is busy, but they are not busy in the morning with kids in school. Can we look into that? It could be a table that folds up and can be moved out of the way.

Perry Mayers, Borough Administrator, said that he will bring this up with the Recreation Department

**Seise:** As we look into our Council meeting schedule for next year, there are two (2) things that were being talked about.

One was to reduce the meetings from two meetings a month to one meeting a month, following the summer meeting schedule, year-round. I am personally not in favor of that. I like two meetings a month and I think it keeps everyone plugged in. It keeps everything flowing better. The summer, people are on vacation, and it is understandable. Council agreed to leave the meeting schedule as is.

The other was to shift the start time of the meetings from 7:30 PM to an earlier start time. We have the flexibility to do that. Do we want to move it back to 6:00/6:30 PM? Council agreed on an earlier meeting starting time of 7:00 PM.

**V. RESOLUTION:**

Seise: R23-193, Resolution Authorizing Closed Session – N.J.S.A. 10:4-12b(1) and/or (8) – Salary Adjustments

Moeller: So Moved

Ross: Second

**RESOLUTION R23-193**

**BOROUGH OF LINCOLN PARK  
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Governing Body of the Borough of Lincoln Park is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Governing Body of the Borough of Lincoln Park to discuss in a session not open to the public certain matters relating to the item or items as authorized and designated below;

As authorized by N.J.S.A. 10:4-12b(1) and/or (8): Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

**a. Salary Adjustments**

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 5<sup>th</sup> day of September 2023 that an Executive Session, closed to the public, shall be on the 5<sup>th</sup> day of September 2023, at approximately 7:30 pm in the Borough of Lincoln Park, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035 for the discussion of matters relating to the specific items designated above.

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: Gemian

Abstain: None

Resolution R23-193 was Adopted.

**VI. ORDINANCE FOR INTRODUCTION:**

Seise: Ordinance 20-23 for Introduction. An Ordinance Providing Compensation for Certain Officers and Employees of the Borough of Lincoln Park

The Clerk read the following Resolution:

Be it resolved that an Ordinance entitled:

**AN ORDINANCE PROVIDING COMPENSATION  
FOR CERTAIN OFFICERS AND EMPLOYEES  
OF THE BOROUGH OF LINCOLN PARK**

Be Introduced and Read by Title on first reading by the Clerk.

Seise: I need a Motion and a Second

Moeller: So Moved

Ross: Second

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: Gemian

Abstain: None

The Resolution was adopted.

Seise: Please read it again.

The Clerk read the following resolution:

BE IT FURTHER RESOLVED, that an Ordinance entitled,

**AN ORDINANCE PROVIDING COMPENSATION  
FOR CERTAIN OFFICERS AND EMPLOYEES  
OF THE BOROUGH OF LINCOLN PARK**

Be passed on First Reading and;

**BE IT FURTHER RESOLVED** that said Ordinance be considered for Final Passage at the meeting of the Governing Body of the Borough of Lincoln Park on the **18<sup>th</sup> day of September, 2023** at approximately **7:30 PM** in the Municipal building at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with a Notice of Introduction thereof in the Daily Record according to law.

Seise: I need a Motion and a Second

Moeller: So Moved

Ross: Second

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: Gemian

Abstain: None

The Resolution was adopted.

**VII. ORDINANCE FOR ADOPTION:**

Seise: Ordinance 19-23 for Adoption. An Ordinance of the Borough of Lincoln Park, County of Morris, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public to a Certain Paper Street and Right-of-Way located in the Borough of Lincoln Park known as Serpentine Drive

The Clerk read the following Resolution:

Be it resolved that an Ordinance entitled:

**ORDINANCE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE OF NEW JERSEY,  
RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A CERTAIN PAPER  
STREET AND RIGHT-OF-WAY LOCATED IN THE BOROUGH OF LINCOLN PARK KNOWN AS  
SERPENTINE DRIVE**

Be read by Title on Second Reading and a Hearing Held Thereon.

Moeller: So Moved

Ross: Second

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: Gemian

Abstain: None

The Resolution was Adopted.

Thompson: Motion to go to Public

Moeller: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Opened.

Seise: Anyone wishing to speak on Ordinance 19-23 may do so now.

Scott & Kimberly Greenfield, 61 Minnehaha Path, were present and stated that they are the adjoining neighbor to the paper street known as Serpentine Drive. Mr. Greenfield made some comments on the paper street and the related property to that. I know that there was a discussion back in either March and May regarding 65 Minnehaha Path which is adjoining to that paper street and right-of-way. There is a little history to that property as I have shared in a memo. It was purchased back in 1975. Mr. Rosenberg who happened to be the health manager here in Lincoln Park ultimately tried to get a zoning permit for that because it was only 5,000 square feet, and it was opposed. He then proposed putting cell towers on it, habitat for humanity, and other things. The city gathered a piece of rock that stretches across Minnehaha Path that is why there is a hump in the road there. The sewers could not go up through there, so it got blocked from that perspective. It sat vacant. It has been used by kids riding their minibikes up there cutting across my property and the property next door. On September 21, 2021, there was a letter we received, unsolicited. The letter said that part of the street, which was vacating the right-of-way, plus the proposal was to square off our property which would be given to us if we proposed to include it in our tax bases as additional property. After that we have had several discussions with Mr. Mayers and ultimately, we created an escrow fund for that back in January 2022. In June 2022 we received a letter from the Borough Attorney saying that it could not be vacated to us at 65 Minnehaha Path and that we would have to purchase it a fair market value. The town obtained an estimate, we obtained an estimate, and we met in the middle at a proposed \$8,300.00 which was accepted by the Borough Attorney and Mr. Mayers at that point. Moving forward we already put into this process \$1,600.00 based on what was charged already against the escrow account plus our own valuation. I know that people have said that this sounds like a shady deal because the tax value is \$49,000.00, but this property was purchased originally in 1970 for \$75.00. Nothing could be done with it, and it ultimately defaulted to the town. This is the history for that piece of property adjoining that. Our proposal is that we request the Council to go ahead with that because we have owned the property that we are currently in for forty (40) years at 61 Minnehaha Path. If we do not do it this way, it would be costly for us because we are only getting 90 feet x 12 which is a little over 900 square feet. I would have never proposed this if we are not getting the full right-of-way of that property. We are trying to pay the fair market value for 65 Minnehaha Path.

Council made Mr. Greenfield aware that this is not the Ordinance that is being voted on at this time. The Ordinance that he is referring to is the adjoining property of 65 Minnehaha Path that the Council had tabled. The Ordinance that is being Adopted this evening is contingent with the other Ordinance that was tabled.

Council President Seise asked if the Council is willing to reconsider the reservations/objections to selling that parcel.

Councilwoman Thompson said that she thinks we should take this under advisement and think about this a little bit more, rather than say no or yes now.

Mrs. Greenfield said that she would like to add that she would like to see the LaCorte's get the property but not at the cost of a hardship for us. The hardship would be that we cannot access the property next to Serpentine Drive with any large vehicles. We have tried to get big equipment up there to get some of these trees down without hurting anyone and we cannot get to that property without that right-of-way. If we do purchase that parcel at 65 Minnehaha Path, we can use half of the right-of-way, and whatever extra is necessary to get the equipment up. Without the right-of-way and without 65 Minnehaha Path, there is no way to take care of safety issues back there.

Councilwoman Thompson asked if they could go through their driveway?

The Greenfield's answered no.

Councilwoman Thompson asked why?

The Greenfield's said that their driveway is below grade and does not go up the hill at all.

Councilman Gurkovich asked the Greenfield's if they were to be the owner of that property, that the property can technically become a legal sized property in the future if you were to subdivide a portion of their existing property and make that a separate lot, correct?

The Greenfield's answered correct.

Councilman Gurkovich asked the Greenfield's, than why would someone subdivide that piece of property for \$8,000.00?

The Greenfield's said may I repeat that there is a rock ledge. On the top, although it is not as rocky as the piece that we are talking about, there are rock problems future up and I am not sure that it is a buildable lot.

Councilman Gurkovich said that anything is possible. This road is not capable of handling traffic. If we were to put a deed restriction forbidding any driveway or vehicle access on Minnehaha Path, would that be suitable for you?

The Greenfield's answered no because than the market value is for the property as is. It is not for the property with a deed restriction. So we are no getting what we are paying for.

Councilman Gurkovich asked the Greenfields, so there is a possibility that you would subdivide.

Mr. Greenfield said that there are no plans to subdivide.

Mrs. Greenfield said that they have been there for forty (40) years, and they have not done that.

Councilman Gurkovich said that if we do not put a deed restriction, you could put a residential driveway to access it, if there was no residential driveway allowed.

Perry Mayers, Borough Attorney said that the only way you can get to this is by putting a driveway at the rear of the property via Leather Stocking Path.

Mrs. Greenfield said that she has pictures of the right-of-way for Leather Stocking Path, and you can see that it is totally and completely overgrown.

Perry Mayers, Borough Administrator, said that it would require the approval of Leather Stocking Path by you to extend it to your property and have the driveway there. I do not think that with what Councilman Gurkovich is proposing is unreasonable because the rock ledge that is there. Constructing a driveway that would be accessible from Minnehaha Path would probably be ridiculously expensive if not impossible. The solution would be to put a driveway, if you ever subdivided, at the rear of the property on Leather Stocking Path. That would require you to extend Leather Stocking Path and make it accessible at your own expense. It is still doable. We have looked into it.

Mrs. Greenfield said that we are still paying for property that you are saying is unsub dividable. We are paying market value.

Perry Mayers, Borough Administrator, said that it is subdividable.

The Greenfield's said not if you put deed restriction on it.

Perry Mayers, Borough Administrator, said that the deed restriction would address the concern of an additional driveway on Minnehaha Path. We are not objecting to the possibility of the driveway to be added to the end of Leather Stocking Path. That is what it would address.

Mrs. Greenfield said that she has no guarantee that this would ever be possible, and we are not pursuing the town anyway. I can not sign my life away on a promise that somebody might do something.

Perry Mayers, Borough Administrator said that you may not be able to do it on Minnehaha Path anyway because you still have to get approvals from the Planning Board.

The Greenfield's said that they are not looking into that and that they have not looked into that for the past forty (40) years.

Perry Mayers, Borough Administrator, said that Councilman Gurkovich's proposal is reasonable, and it addresses your concern and the Councils concern. If you do not want to consider that, that is up to you.

Mrs. Greenfield said that you are saying buy the property at full cost with a deed restriction?

Perry Mayers, Borough Administrator, answered yes. All that does is move the driveway from the front of the property to the rear of the property. From the north to the south, depending on how you look at it. The final price was \$8,300.00. That was the price if you consider not to subdivide.

Councilman Gurkovich said otherwise it would be \$49,990.00 that you would be taxed on. That is the value of land in the town with that acreage, 50 x 100. Driveways in that area are not impossible.

Perry Mayers, Borough Administrator, asked the Greenfield's to think about it and let him know their decision.

Chris DiLorenzo, Borough Attorney, said that tonight the Ordinance to be passed is to vacate the road. This does not mean that 65 Minnehaha Path could not be reconsidered again in the future.

Perry Mayers, Borough Administrator, said that part of the vacation is the 12 ½ feet that borders the Boroughs property is being vacated to the lot that is now called 65 Minnehaha Path. 65 Minnehaha Path will in essence become 12 ½ feet wider after this Ordinance is passed.

Chris DiLorenzo, Borough Attorney, said that as the other part of your property would be 12 ½ feet wider and the LaCorte's property would be 12 ½ feet wider.

Mrs. Greenfield asked if any access to the property will be blocked?

Chris DiLorenzo, Borough Attorney, said the access will not be blocked that this is vacating a paper road that is not a road.

Mrs. Greenfield said that either way, if they are not permitted to buy 65 Minnehaha Path, since we did not initiate this and we sent money to the Town officials as directed by instructions, we would accept all of that money back.

Council President Seise said that this is a discussion that needs to be handled at another time because this is a public hearing about this Ordinance and this Ordinance only.

The Council and the Greenfield's agreed to speak about this and decide in a future discussion that does not need to take place at a Council Meeting.

Karissa LaCorte, 75 Minnehaha Path, asked if this Ordinance was being passed tonight so that 12 ½ x 190 feet is officially going to be passed for the LaCorte's?

The Council answered yes.

Thompson: Seeing no one else wishing to speak I Move we close the Public Hearing.

Moeller: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Closed.

The Clerk read the following Resolution:

Be it further resolved that an Ordinance Entitled:

**ORDINANCE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE OF NEW JERSEY,  
RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A CERTAIN PAPER  
STREET AND RIGHT-OF-WAY LOCATED IN THE BOROUGH OF LINCOLN PARK KNOWN AS  
SERPENTINE DRIVE**

Be passed on Final Reading and a Notice of Final Passage of Said Ordinance be published according to law.

Thompson: So Moved

Moeller: Second

Seise: Any questions or comments? Call the Roll.

Yes: Antonetti, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: Gemian

Abstain: None

The Ordinance was Adopted.

**VIII. PUBLIC HEARING:**

Moeller: Motion to go to Public

Ross: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Opened.

Thompson: Seeing no one wishing to speak I Move we close the Public Hearing.

Ross: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Closed.

**IX. CLOSED SESSION:**

**N.J.S.A. 10:4-12b(1) and/or (8) – Salary Adjustments**

Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

**a. Salary Adjustments**

Thompson: Motion to go to Closed Session

Ross: Second

Council President Seise asked for a Voice Vote. All were in favor.

The Meeting was closed to the public at 8:10 PM

Thompson: Motion to come out of Closed Session.

Ross: Second

The Meeting re-opened to the public at 8:24 PM

**X. ADJOURNMENT:**

Thompson: Motion to Adjourn.

Ross: Second

There being no further business to discuss the Work Meeting of September 5, 2023 was Adjourned at 8:26 PM.

ATTEST:

\_\_\_\_\_  
Courtney Fitzpatrick, Borough Clerk

\_\_\_\_\_  
Andrew Seise, Council President

\_\_\_\_\_  
Mayor David Runfeldt