

**MINUTES OF THE SUPPLEMENTARY MEETING
OF THE MAYOR AND COUNCIL**

JUNE 9, 2011

SPECIAL AND WORK SESSION MEETING

A Special and Work Session Meeting of the Mayor and Council was held in the Municipal Building on June 9, 2011. Mayor Bivona opened the meeting at 7:30 P.M. and Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

ROLL CALL

The following Council Members and Professional Staff were present: Mayor Bivona, Councilman Friscia, Councilwoman Lota, Councilman Kahwaty, Councilman Pedone, Council President Ramsey, Councilman Smith, and Borough Administrator Hart. Borough Attorney Lustgarten was absent this evening.

Mayor Bivona called for a moment of silence reflection in memory of former Councilwoman Pearl Spector. Councilman Kahwaty stated that many people knew Pearl Spector from her many years as a Councilwoman and her involvement with the Republican Club. He acknowledged that she will be missed in Franklin Lakes.

APPOINTMENT

Carlos Perez, Jr. to the Board of Health, Alternate #2

This will be moved to the meeting of June 21st, 2011.

Mayor Bivona was pleased to announce the appointment of Donald Osenbruck as the new Administrative Assistant in the Police Department. Motion by Councilman Kahwaty to appoint Donald Osenbruck as the Administrative Assistant to Police Department/Records Clerk. Councilwoman Ramsey seconded the motion. Discussion – None.

Roll Call Vote

Ayes: Councilmembers Friscia, Lota, Kahwaty, Pedone, Ramsey and Smith

Nays: None

Motion: Approved

Councilman Smith said that the Council would be in a position to appoint Alexandra Schoenberg as a member of the Zoning Board at the June 21st meeting.

OPEN TIME FOR PUBLIC COMMENT

Motion by Councilman Pedone to open the meeting to the public. Seconded by Councilman Smith. Discussion – none. On voice vote, all in favor, motion approved.

There were no comments from the public and Councilman Pedone made a motion to close the public portion of the meeting. Councilman Kahwaty seconded the motion. Discussion – none. On voice vote, all in favor, motion approved.

BOROUGH ENGINEER'S REPORT

Status Report

Kevin Boswell stated that he is working with Capital Alternatives on the Municipal Aid Grant application for Huron and McCoy Roads. Mr. Hart noted that the Engineering Oversight Committee supports this determination. Regarding the Franklin Lakes Nature Preserve, Mr. Boswell stated that his office is behind in completing the submission of the Dam Report but this will not result in any penalty against the Borough. He has been

working on Memorial Pond with DEP and getting other things ready for the opening this Saturday of the Nature Preserve. One bid has been received for the informational kiosk at the trailhead by the parking lot and Mr. Hart is trying to secure additional bids for a recommendation at the meeting of June 21st. The kiosk has a roof with two timber posts and will contain a map and rules regarding the nature preserve. Councilman Friscia commented that this would be an ideal Eagle Scout project along with clearing of the trails. Mr. Boswell stated that artwork for a temporary sign has been submitted.

Mr. Boswell reported that the dredging and tree clearing at Memorial Pond has been completed. At the moment, the electrical work, gathering of rocks, coordination of donated cement blocks and permitting is taking place. A plant list is being generated by Blue Meadow, and will be available at the next meeting. The Mosquito Control Commission helped with the dredging until their machines broke down. Brian Peterson will clean out the access points at Fireman's Pond next week followed by completion of the dredging.

Mr. Boswell stated that two bid proposals were received regarding the 2010 Community Development Grant. He recommended awarding the contract to D&L Paving who was the low bidder at \$18,715. This contract will be awarded at the meeting of June 21st. The bids were opened for the 2011 Road Program and he recommended awarding the contract for the base bid plus alternate A to the low bidder Tilcon at \$363,865. This contract to Tilcon is scheduled for the June 21st meeting also.

Mr. Boswell reported that the zoning map update has been completed at a cost of approximately one quarter of the estimated proposal due to the fact that Ms. Boland managed to locate a prior plan that had been done by Boswell Engineering. Mr. Boswell said that he continues to work with Mr. Sabbagh towards a positive resolution of the problem. Mr. Boswell stated that drainage improvements are needed to property at Woodside Avenue Elementary School. A neighbor who is being adversely affected met with the Director of Buildings and Grounds who indicated that these issues will be addressed.

Mr. Boswell stated that a drainage issue exists within the Tanglewood Court Right-of-Way. He recommends the installation of an under drain that will cost in the area of \$6,000 to \$8,000. The DPW should patch the area now which can be followed by the installation of an under drain when funds become available. Mr. Boswell noted that there is an open catch basin along the driveway of 636 Omaha Way. The property owner has a survey indicating that the catch basin is located in a drainage easement and Mr. Boswell recommended that the DPW install a grate atop this catch basin along with an adjustment of grades in the area.

Council President Ramsey said that she recently learned of a retention pond that has trees growing out of it. She asked if there is a map showing the locations of retention ponds in the Borough. Mr. Boswell stated that a number of retention ponds exist in the Borough and he suggested that an inventory be done so that people do not experience flooding problems. He added that these are routinely maintained by the DPW.

Mr. Hart said that he is working on the street excavation ordinance and the draft sewer ordinance with Ms. Boland. Mr. Boswell indicated that he has minor comments on the sewer ordinance and he added that the main thing the Borough needs to do in this case is to ensure that sewer hook up is not mandatory. Mr. Hart said that the ordinance does not establish connection fees which has to be done by means of a separate ordinance.

Ms. Boland spoke about Councilman Smith's email stating that the Engineer and DPW should have the authority to approve street opening permits. This has always been the practice and Ms. Boland reviewed the existing ordinance which indicates that the DPW has approval for small street opening permits and both the DPW and the Engineer must sign off on more extensive street opening permits. Mr. Hart pointed out that this distinction has been eliminated from the proposed ordinance. Councilman Smith said that the new ordinance states that the Borough Clerk will not approve the permit unless the Borough Engineer and DPW have both signed off on the application. This must be done within five days after the filing of the application. Councilman Smith

recommended that this time limit be eliminated. Mr. Boswell said that the Engineering Office checks to see if there is an outstanding action against the applicant.

CONSENT AGENDA RESOLUTION

Resolution 152-11

BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Franklin Lakes. Full text of all consent agenda resolutions can be found after the Adjournment.

- Resolution 153-11 Accept Report of the Finance Committee
- Resolution 154-11 Change Order – Barrier Free Improvements Project
- Resolution 155-11 Award Contract – NJ Emergency Vehicles – 2011 Ambulance
- Resolution 156-11 Approve Concussion Policy
- Resolution 157-11 Chapter 159 Municipal Court Alcohol Education Rehabilitation & Enforcement Fund

Mr. Hart said that the change order has been amended to approve only one of the proposed changes. This change is for panic bars on the floors upstairs to the vestibule from the Council Chambers as recommended by the Building Department. The change in the locks was not an appropriate change and therefore was rejected.

Upon questioning by Councilman Friscia, he was told that this year the concussion policy applies to football only. Councilman Pedone said that Franklin Lakes is the first municipality in New Jersey to have this type of policy.

Resolution introduced by Councilwoman Lota. Seconded by Councilman Kahwaty. Discussion – None.

Roll Call Vote

Ayes: Councilmembers Friscia, Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

Abstain: Councilmember Friscia on report of Finance Committee

Resolution approved

RESOLUTIONS

Award Contract – DPW Mower

Resolution 158-11

WHEREAS, the Borough of Franklin Lakes wishes to purchase one John Deere 1600 Turbo Series II Commercial Wide Area Mower; and

WHEREAS, the purchase of goods and services by local contracting units under a cooperative purchasing agreement with a county government is authorized by the Local Public Contracts Law, N.J.S.A 40A:11-12; and

WHEREAS, Power Place, 319 US Highway 46, Rockaway, New Jersey 07866, has been awarded Bergen County Contract #10-18 for John Deere 1600 Turbo Series II Commercial Wide Area Mowers; with an expiration date of April 6, 2012; and

WHEREAS, Power Place has submitted a proposal for the purchase of one John Deere 1600 Turbo Series II Commercial Wide Area Mower for \$49,890.67;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that a contract for the purchase of one John Deere 1600 Turbo Series II Commercial Wide Area Mower, be and is hereby awarded to Power Place, in accordance with Bergen County Contract #10-18, for the contract price of \$49,890.67; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for this purchase, and

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Power Plus, the Superintendent of Public Works, and the Borough Treasurer.

Resolution introduced by Councilwoman Lota. Seconded by Councilman Kahwaty. Discussion –There was a question regarding the correct amount of the contract. The Borough Clerk will check this and insert the correct figure.

Roll Call Vote

Ayes: Councilmembers Lota, Kahwaty, Pedone, Ramsey and Smith

Nays: None

Abstain: Councilman Friscia

Resolution approved.

Award Contract DPW Dump Truck

Mr. Hart said that he was advised that this is a state contract item but later learned that this is not the case which is why the contract is not ready. Mayor Bivona questioned the feasibility of renting or sharing a dump truck. Councilwoman Lota said that the DPW have been using the dump truck almost daily during the past several weeks which would have made sharing a truck with another town problematic.

MAYOR'S REPORT

Mayor Bivona thanked the VFW, Public Event Committee and everyone else involved for the Memorial Day events. He reminded everyone of the Franklin Lakes Nature Preserve Opening is on Saturday, June 11th at 10:00 A.M. He pointed out that this is a work in progress and many people have devoted a lot of time and hard work into making the area a pleasant place to visit.

Mayor Bivona spoke about the Tice application to the Planning Board. He stated that certain members of the Planning Board, including the Planning Board Attorney, have been sued by an objector relating to recusals and potential recusals. Discussions broke down and the Planning Board is asking the Council to get involved. Borough Attorney Lustgarten suggested that Mayor Bivona contact the parties involved in an attempt to reach an agreement on the recusals. The parties have made the appropriate decision on recusals and the Planning Board Attorney is also stepping down. Mayor Bivona suggested that Christopher Martin be approved by the Council as the attorney for the Planning Board in this application only. The Planning Board supports Mayor Bivona's suggestion. Council Members were in agreement with Mayor Bivona's suggestion.

Mayor Bivona said that a long term plan is needed for the fire houses and the police headquarters. He asked that a Council Committee be formed to look into a long term plan to fix, renovate or replace these buildings. The Council should also consider hiring an architect to advise the committee relative to the best way to move forward. Architects should be interviewed in the near future in order to move the process along and someone should be hired next year. He recommended that fundraising be a component of the plan. Councilman Smith said that the Ambulance Corps has been involved in fund raising. He added that the Fire Department received an estimate of \$27,000 for a review and proposal by an architect. Mayor Bivona said that he is proposing that the Council take the lead which is a different approach. Councilwoman Ramsey suggested that an RFP be put together in order to find someone who would act as a consultant.

After more discussion, the Council decided to move forward with the Committee. Councilwoman Lota agreed to be the lead and Mr. Peterson could also be involved. Councilman Pedone suggested a liaison from the Public Safety Committee. Council President Ramsey said that the committee needs to prioritize the long list of items that need to be addressed. Mayor Bivona agreed and added that they need a plan to deal with the major capital issues. Councilman Smith said that the committee will have to prepare

a list of the items to be looked at in each individual building which will eventually be given to an architect. Mayor Bivona remarked that the list would also be useful in setting up a plan for an annual fundraising effort.

Councilman Smith stated that the committee will have to contact the Fire Department and Police Department to fully understand their problems and areas of concerns before anything goes out to an architect. Mayor Bivona suggested that the committee be made up of two or three people and Councilwoman Lota, Councilman Kahwaty and Council President Ramsey volunteered to meet before the next Council meeting.

Mayor Bivona said that the bear problem has returned. There have been quite a few sightings but no incidents as of yet. He will contact the Department of Fish and Wildlife as well as the State and County. Information needs to go out to residents regarding the importance of keeping garbage in the garage or in a shed.

COMMITTEE & LIAISON REPORTS

Public Safety

Amendment to Towing Ordinance – Mr. Hart said that a minor amendment to the towing ordinance was sent out today regarding the release of vehicles. The company must be available to release vehicles between 8:00 A.M. and 11:00 P.M., seven days a week, and be available to tow 24 hours a day. Mr. Lustgarten and Bob Lyons of the Police Department have both reviewed the ordinance. This ordinance will be on the agenda for the meeting on June 21st.

Hiring of New Police Officer – Councilman Smith recommended discussing this item in Closed Session under Personnel. Councilmembers unanimously agreed.

Promotion Recommendations – Councilman Smith said that this should also be discussed in Closed Session. Councilmembers unanimously agreed.

Public Works

Amendment to Street Excavation Ordinance – Mr. Hart stated that this ordinance needed substantial changes and the latest draft was forwarded via email. Changes were made to the definition of an extensive opening and a requirement was added that work be done within 30 days of the issuance of a permit. The fee schedule and regulations relative to escrow and security deposits have been restructured. Instead of establishing a separate escrow deposit for professional fees, money to cover professional fees will be included in the application fee. Mr. Hart stated that the basic fee for a street opening permit will be \$200 and will include professional fees and he expects this procedure to run more smoothly.

Mr. Hart said that a security fee had been required to repair the sidewalk, driveway, grassy or curbed areas if the work was not done correctly. After a meeting with the engineer and construction department, it was agreed that a \$1,000 bond or security deposit would be requested which will be returned upon completion of the work. The amount will be higher if an extensive opening is needed and the engineer would prepare an estimate of the amount required to guarantee proper restoration. Mr. Hart said that the application goes through the Borough Clerk's office. It is subsequently forwarded to the Construction Office in order to get the proper sign offs and inspections by the DPW.

Councilman Smith suggested requiring a maintenance bond from the utility and he said that Mr. Boswell should establish an amount that would be based on the amount reflective of the cost involved in any restoration. Mr. Hart said that this would be listed for introduction on June 21st.

Mr. Hart stated that bids were solicited for DPW uniforms several months ago. There will be a contract award on June 21st to American Wear that will become effective on July 1st.

Councilman Kahwaty stated that the access drain leading to Kings Pond is blocked and this is the area where a resident had been dumping dirt behind his house.

Environmental & Community

Councilwoman Lota commented on a successful Arbor Day and photos taken by Mr. Hart.

Planning & Development

Draft Sewer Ordinance – Mr. Hart said that this ordinance will be introduced on June 21st. The ordinance will allow Northwest Bergen Utilities Authority to move ahead with sewer installation. Mayor Bivona recommended another meeting with the utility to confirm that there are no mandatory fees or costs to the Borough. Councilman Friscia questioned some of the restrictive language in the subsections of the ordinance. Councilman Smith pointed out that hook up fees will have to be discussed at some point. Mayor Bivona agreed that they need to carefully review this ordinance but he said that the Borough has no control over the connection fees charged by the utility. After more discussion, Mr. Hart suggested a committee meeting to include Mr. Lustgarten and Mr. Boswell before the ordinance is considered again at the July work session.

Mayor Bivona said he thought there are two hook up costs, one for the utility and one for the Borough. He noted that infiltration into the pipe system usually caused by heavy rain can result in additional usage and business owners would be wise to question the utility on this before signing on for the service. He said that he would arrange for Howard Hurwitz from Northwest Bergen Utilities Authority to speak to the Council about the system.

Master Plan Zoning Amendments – Mr. Hart reported that the committee held an initial meeting and has scheduled a further meeting with the Planner before making recommendations to the Council.

Illuminated Signs – Mr. Hart has prepared a draft ordinance with help from Mr. Lustgarten. Mr. Lustgarten had issued a memo relative to aesthetic concerns. The ordinance refines the existing ordinance and addresses the issues of animation, flashing, scrolling and other actions. This ordinance does not prohibit LED signs.

Mayor Bivona stated that Franklin Avenue Middle School is requesting a sign similar to the sign at the Library which is embedded in the existing structure. Council President Ramsey pointed out that this is the busiest intersection in the Borough and it is not advisable to take your eyes off the road in this area. Councilwoman Lota agreed with Council President Ramsey's concern and Councilman Smith said that Mayor Bivona should discourage the school from doing this. Mayor Bivona stated that the Franklin Lakes Education Foundation is willing to donate this sign and he wondered if the Council has much authority in this case. He said that this is a standing sign that is illuminated but doesn't blink or move. Councilman Friscia said that the sign can move and scroll. Council President Ramsey suggested that the sign be located in the courtyard of the school which would not be hazardous to traffic. Mayor Bivona noted that the proposed ordinance would not prohibit this sign and consistency is important; however, he noted that the sign at the Library would violate this ordinance. He said that the question is whether or not to allow LED lighted signs to exist. Mr. Hart pointed out that many of these signs presently exist. Councilman Friscia suggested a prohibition on electronically changeable signs.

After further discussion, Mayor Bivona stressed the importance of coming up with acceptable language before approaching the school about their proposed sign. Mr. Hart pointed out that the school has not been granted permission to erect the sign. He said that the ordinance being contemplated by Franklin Lakes is the most restrictive he has come across when reviewing ordinances from other municipalities. Councilwoman Lota said that there are many illuminated signs that would be considered as grandfathered.

Mayor Bivona said that he will ask the Superintendent of Schools to postpone a decision on the sign for two weeks. He asked Councilmembers to reconsider this ordinance and be prepared to discuss it further at the July work session.

Recreation & Parks

Field Use Permits - Councilman Pedone said that he has been approached about field usage and John Ciurciu, Recreation Director, said that he didn't want to be responsible for field use permits not related to sports activities. He suggested that any use unrelated to sports could be handled by the Borough Administrator. Council President Ramsey recalled that in the past, any organization wanting to use a Borough field would send a letter to the Mayor and Council who would make the determination. She recommended that this procedure be reinstated with the requirement for a courtesy letter to be sent to the Mayor and Council. If approved, the Borough Clerk would mark the event on the calendar in order to prevent over scheduling of events on the fields. The Recreation Department would have to confirm that the field is available and the traffic officer would have to indicate that the police could handle the anticipated traffic.

Mayor Bivona asked the Council if they want to be responsible for scheduling events. Mr. Hart stated that he met with the Public Safety Director, Captain Seltenrich, John Ciurciu, and Bob Lyons to discuss the process going forward. There is now a central Borough calendar for event scheduling that is accessible via the web; however, there are outstanding issues such as adequate parking and a basis for denial such as field condition, availability, conflicting schedules, parking, traffic, security and the requirement that notice of the event must be submitted 90 days in advance. He described the application process stating that when an application is received it is immediately submitted to the Police and DPW who provide cost estimates. Council policy could require that the organization have some tie to the community, as well as limiting the number of days that a field could be available for non sports related events.

Council President Ramsey reiterated her suggestion that a request be submitted to the Mayor and Council who could decide if the event is beneficial to the Borough. Mr. Hart agreed, but said that there must be some criteria for denial of the request. Councilman Smith said that he was surprised at how easily the Lions Club request for the carnival was processed and he felt that the Council should exercise more control over the use of Borough fields. Mayor Bivona stated that the ordinance basically indicates that a group is entitled to the use of a field as long as the field is available and he suggested amending the ordinance to state that a group cannot have use of a field unless approved by the Council. He added that there are groups that have traditionally been granted use of Borough fields such as the Car Show. Mr. Hart said that everything would be processed the same way except that approval for certain types of activities would be required by the Mayor and Council and would have to benefit the community. Councilmembers indicated agreement with this proposal.

Councilman Pedone reported on a party held in recognition of the Boys and Girls Lacrosse teams. Everyone had a wonderful time at this event. He was asked about a lacrosse tournament and he reviewed the ordinance on tournaments with Mr. Hart. The ordinance says that the fee for use of each field is \$250 per day after police and DPW costs are paid. In lieu of payment, a donation of equipment to the town can be made. Councilwoman Lota confirmed that this has been done over the past several years and Councilman Pedone asked John Ciurciu to submit a list of what will be given to the Borough this year.

Councilman Pedone said that the Recreation Department is asking if they could have one of the two police cars that are being sold instead of borrowing the DPW truck. Councilwoman Lota pointed out that the Recreation Director moves equipment which contributes to wear and tear on his car. Mr. Hart said that the main cost to the Borough is the loss of revenue from the sale of used police vehicles to the Borough which is not substantial. He added that the Construction Official has indicated that his vehicle is not working well and he asked if it could be replaced with one of the outgoing police cars. It is also useful to have the Construction Officer drive a Borough marked vehicle for

identification purposes by residents and contractors. Mr. Hart and the Mayor will look into this further.

Administration & Finance

Supporting S-2762/A-4084 Property Tax Refunds – Mr. Hart stated that this resolution allows for commercial property tax refunds payments to be spread out at 5% interest. Mayor Bivona said that this give municipalities flexibility and should be listed for approval at the June 21st meeting.

Opposing A-3285 Cost Estimates in Bids- Mr. Hart said that this legislation would require that certain public contracts include cost estimates or ranges of project costs. This is another case of costs the municipality must bear that the League of Municipalities feels is unnecessary. This could mean that rejecting bids would be more difficult. Councilmembers were in agreement in opposing this legislation and it will be listed for June 21st.

Designation of Community Development and Open Space Representatives – Mr. Hart and Council President Ramsey will be the Community Development representatives with Mayor Bivona and Councilman Pedone being alternates. For Bergen County Open Space, Mr. Hart and Councilman Pedone will be the Borough's representatives.

BOROUGH CLERK

One Day Liquor License – Oasis – 10-14-2011

One Day Liquor License – F L Youth and Recreation Foundation 10-15-2011

Ms. Bleeker reported that these two liquor licenses are both for the Oktoberfest at McBride Field in October of this year. Council Members approved the licenses.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart asked everyone to look at Cablevision Channel 77 or FIOS Channel 46 since the audio is working as of today. He would like to have everyone's input on the slides that are available to be viewed on these television channels. He added that an intern is doing the work on the cable channel.

Mr. Hart reported that there is a follow up meeting on the Police Headquarters remedial work scheduled for next week. Floor tiles are being replaced and sheet rock is to be removed along with some painting. Funding for a substantial amount of the work is coming from JIF who insured the loss and the Borough hopes to receive \$71,000 from FEMA to cover damages from the snow storm in December.

Mr. Hart met with a representative to discuss performance measurement software system. This software would be useful and will be discussed further at an upcoming WOLF meeting.

OLD BUSINESS

There was no Old Business this evening.

NEW BUSINESS

ORDINANCE NO. 1522

AN ORDINANCE AMENDING ORDINANCE NO. 1518 ENTITLED "AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2011"

WHEREAS, an ordinance entitled **AN ORDINANCE AMENDING ORDINANCE NO. 1518 ENTITLED "AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2011"** was introduced at a meeting of the Mayor and Council held on the 9th day of June, 2011;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1522 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1522 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of June, 2011, at 7:30 pm in the evening or as soon thereafter as the matter can be reached in the Council Chambers at Borough Hall, 480 DeKorte Drive, Franklin Lakes, New Jersey, at which time and place all persons who may be interested will be given an opportunity to be heard regarding Ordinance 1522; and,

BE IT FINALLY RESOLVED that the Borough Clerk is hereby authorized and directed to publish the Introduction and Notice of Hearing as required by Law.

Resolution introduced by Councilman Kahwaty. Seconded by Council President Ramsey. Discussion – Mr. Hart explained that the salary for this position is changing because the prior employee started in this position at 35 hours per week. She subsequently asked to have the number of hours she worked decreased to 30 hours per week. The Borough agreed to this request and adjusted the salary. The new administrative assistant is working 35 hours per week and the salary needs to be adjusted again. Mr. Hart added that the hourly rate remains the same.

Councilman Pedone asked if this salary is included in the budget. Mr. Hart explained that this is not a budget issue. Councilman Pedone questioned whether this position includes administrative support for the Fire Department. Mr. Hart stated that one of the conditions of this hire was that he would devote a limited amount of time to the Fire Department. There is a job description for this job; however, it does not include duties for the Fire Department. At this time, no specific amount of time that should be devoted to the Fire Department has been discussed and the hope is that this will be worked out over time.

Roll Call Vote

Ayes: Councilmembers Friscia, Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

Resolution approved.

RESOLUTION FOR CLOSED SESSION

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Thursday, June 9, 2011 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Pending Litigation – Medco Tax Appeal
- Personnel – Collective Bargaining – Hiring of New Police Officer – Promotion Recommendations

BE IT FURTHER RESOLVED, that the discussion conducted in closed session shall be disclosed to the public once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion by Council President Ramey, seconded by Councilman Kahwaty at 10:10 P.M.
Discussion – none.

Roll Call Vote

Ayes: Councilmembers Friscia, Lota, Kahwaty, Pedone, Ramsey and Smith
Nays: None
Motion approved.

ADJOURNMENT

Motion by Councilman Pedone, seconded by Councilwoman Lota to adjourn the meeting at 10:40 P.M. Discussion – none. On voice vote all in favor motion approved.

Resolution 153-11

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the report of the Finance Committee be accepted and recommendations adopted; that the report be made part of the record of this meeting; and the proper Borough Officials are hereby authorized and directed to issue warrants in the amount of \$2,112,284.45 as shown on the Claims Bill List; and \$12,530.75 as shown on the Soil Account Bill List; and \$1,909.25 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED that the payroll of May 2, 2011 in the amount of \$243,081.05 and that the payroll of May 26, 2011 in the amount of \$233,391.81 be hereby ratified and approved.

Resolution 154-11 Amended 6-8-11

WHEREAS, by Resolution adopted on December 2, 2009, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$132,190 to LKL Contracting, 457 Shadyside Road, Ramsey, New Jersey, hereinafter referred to as “the Contractor”, for the installation of certain barrier-free improvements to the Recreation Center and Borough Hall; and,

WHEREAS, Change Orders #1 through 4 have been approved by the Mayor and Council, resulting in a net contract increase of \$4,380, for a revised contract amount of \$136,570;

WHEREAS, the Contractor has submitted Change Order #5 (as amended), which increases the amount of the contract by \$830 for an amended contract amount of \$137,400, which Change Order has been approved by the Borough’s architect, TM Rybak & Associates; and,

NOW THEREFORE, BE IT RESOLVED that Change Order #5 (as amended) is hereby authorized and approved for the installation of certain barrier-free improvements to the Recreation Center and Borough Hall, for a contract increase of \$830, for a revised contract amount of \$137,400; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to LKL Contracting, TM Rybak & Associates, and the Chief Financial Officer.

Resolution 155-11

WHEREAS, the Borough of Franklin Lakes advertised for and opened bids on May 12, 2011 for a new Ambulance Corps rig; and

WHEREAS, the Mayor and Council wish to award this contract to the lowest responsible bidder; and

WHEREAS, one company submitted a bid for the Ambulance Corps Rig; and

WHEREAS, the Ambulance Corps Captain and Borough Administrator have reviewed the bid submitted and have determined that the bid meet the specifications.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, that New Jersey Emergency Vehicles, 2201 Atlantic Avenue, Manasquan, NJ 08736 be and is hereby awarded the contract for the Ambulance Corps rig for the base bid of \$171,371, less the alternate for the trade-in in the amount of \$15,500.00, for a net bid amount of \$155,871.00; and,

BE IT FURTHER RESOLVED that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract, and the Borough Attorney shall review any and all contractual documents prepared in furtherance of this award; and,

BE IT FURTHER RESOLVED that the Treasurer be and is hereby authorized and directed to issue payment upon receipt of approved voucher; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to New Jersey Emergency Vehicles, the Ambulance Corps and the Borough Treasurer.

Resolution 156-11

WHEREAS, the Recreation and Parks Director has proposed a Concussion Policy for its recreational sports programs as detailed in the Concussion Policy Acknowledgment form to be distributed to recreational sports program registrants; and

WHEREAS, the Recreation and Parks Committee has recommended the implementation of the Concussion Policy;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Concussion Policy for the Borough's recreational sports programs in substantially the form set forth in the Concussion Policy Acknowledgment form be and is hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Recreation and Parks Director.

Resolution 157-11

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes will receive a \$323.61 2011 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund grant and wishes to amend its 2011 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2011 Budget in the sum of \$323.61 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:

2011 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund \$323.61

BE IT FURTHER RESOLVED that a sum of \$323.61 and the same is hereby appropriated under the caption of:

General Appropriations:

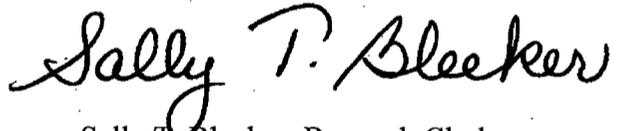
Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

2011 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund \$323.61

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk