

MEETING OF THE MAYOR AND COUNCIL

January 17, 2012

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, January 17, 2012 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Council President Kahwaty, Councilman Kelly, Councilwoman Lota, Councilman Pedone, Councilwoman Ramsey and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Richard Lustgarten, and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Police Chief – Joseph Seltenrich - Effective 02/01/2012

At this time Mayor Bivona called forward Joseph Seltenrich to be sworn in as the new Chief of Police. Council President Kahwaty and Councilwoman Lota assisted in the swearing in.

Chief of Police, Joseph Seltenrich, came forward and thanked his family, friends, and the entire police department for all of their support.

Borough Attorney, Richard Lustgarten, read the resolution appointing Joseph Seltenrich as the Chief of Police.

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that Captain Joseph Seltenrich is hereby appointed as Chief of Police of the Borough of Franklin Lakes, effective February 1, 2012.

Motion was made by Councilwoman Lota, seconded by Council President Kahwaty.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved.

Board of Recreation – Lisa Valvano – 3 year term

At this time Mayor Bivona asked for a motion to appoint Lisa Valvano as a member of the Recreation Committee. Motion was made by Councilwoman Ramsey, seconded by Councilman Pedone.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith

Nays:
Abstain:
Absent:
Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilman Smith, seconded by Councilwoman Lota.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith
Nays:
Abstain:
Absent:
Motion Approved.

Danielle Weitz, 512 Haddon Place. Resident came forward asking when the Council would introduce the pet limit law.

Borough Administrator, Greg Hart, advised that the Ordinance is being drafted and will be discussed at the February 7th Mayor and Council Meeting. It is not scheduled for Introduction as of yet. If the Mayor and Council were satisfied with the Ordinance then the next meeting after that would be February 21st.

Mrs. Weitz asked if that is the soonest it would be introduced. Mr. Hart said that is correct.

Motion to close the time for public comment was made by Council President Kahwaty, seconded by Councilwoman Lota.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith
Nays:
Abstain:
Absent:
Motion Approved.

CONSENT AGENDA RESOLUTION

Resolution 24-12

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 25-12	Accept Report of the Finance Committee
Resolution 26-12	Confirm Appointment Municipal Court Judge
Resolution 27-12	Community Forestry Management Plan – 2012 Green Communities Grant
Resolution 28-12	Stipulation of Settlement – Teo
Resolution 29-12	Authorize United Water Consent to Planning Board Application
Resolution 30-12	Budget Transfers
Resolution 31-12	Emergency Temporary Appropriations

Resolution read and introduced by Council President Kahwaty, seconded by Councilman Kelly.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith
Nays:
Abstain:
Absent:
Motion Approved.

RESOLUTIONS

**Resolution 32-12
Award Contract – Cell Tower Ground Lease**

WHEREAS, the Borough of Franklin Lakes advertised for and opened bids on January 12, 2012 for the lease of Borough property located to the rear of Police Headquarters at the Municipal complex on DeKorte Drive for the construction of an equipment shelter and concrete pad, in conjunction with the use of the monopole located on the site for cellular communications purposes; and,

WHEREAS, the only bid submitted was from New York SMSA Limited Partnership, d/b/a Verizon Wireless, 141 Industrial Parkway, Branchburg, New Jersey 08876; and,

WHEREAS, the Borough Administrator has reviewed the bid and recommends the bid be awarded to New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the bid amount of \$22,008 per year for the initial five year term of the lease; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the lease of Borough property located to the rear of Police Headquarters at the Municipal complex on DeKorte Drive for the construction of an equipment shelter and concrete pad, in conjunction with the use of the monopole located on the site for cellular communications purposes, as described in the bid specifications, be and is hereby awarded to New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the bid amount of \$22,008 per year for the initial five year term of the lease; and,

BE IT FURTHER RESOLVED that this award is conditioned upon meeting the conditions set forth in the bid specifications, including construction of the equipment shelter and concrete pad in a location specified by the Borough; 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 FINALLY RESOLVED that a copy of this resolution be forwarded to New York SMSA Limited Partnership, d/b/a Verizon Wireless, and the Borough's Chief Financial Officer.

Resolution read and introduced by Councilman Kelly, seconded by Councilman Smith.
Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith
Nays:
Abstain:
Absent:
Motion Approved.

ACTION ON MINUTES

A motion was made by Council President Kahwaty and seconded by Councilwoman Ramsey to accept the minutes of:

- December 6, 2011 Worksession
- December 20, 2011 Regular

Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone (with exceptions), Ramsey, Smith

Nays:

Abstain: Pedone – December 20, 2011 Regular

Absent:

Motion Approved.

OLD BUSINESS

No Old Business to discuss at this time.

NEW BUSINESS

No New Business to discuss at this time.

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 Tuesday, January 17, 2012 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Police Chief
- Contractual – Affordable Housing
- Collective Bargaining – PBA and AFSCME

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 to go into Closed Session at 7:50 pm was made by Councilwoman Lota, seconded by Councilwoman Ramsey.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved.

ADJOURNMENT

At 9:20 p.m. the meeting was adjourned on voice vote, all in favor.
Motion Approved.

Resolution 25-12 Accept Report of the Finance Committee

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 \$413,503.92 as shown on the Claims Bill List; and \$7,343.75 as shown on the Soil Account Bill List; and \$3,240.25 as shown on the Developer's Escrow List.

BE IT FURTHER RESOLVED, that the payroll of December 8, 2011 in the amount of \$295,141.41 and that the payroll of December 22, 2011 in the amount of \$267, 378.12 be hereby ratified and approved.

Resolution 26-12 Confirm Appointment Municipal Court Judge

BE IT RESOLVED, that the Mayor and Council hereby confirms the appointment of Francis Leddy as Municipal Court Judge for the Borough of Franklin Lakes for a three year term ending 12/31/14.

Resolution 27-12 Community Forestry Management Plan – 2012 Green Communities Grant

The governing body of the mayor and Borough of Franklin Lakes Council desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$1500.00 to fund the following project Community Forestry Management Plan 2012 Green Communities Grant.

Therefore, the governing body resolves that mayor Frank Bivona or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less that \$1500.00 and not more than \$1500.00 and (c) to execute X any amendments thereto which do not increase the Grantee's obligations.

The Mayor and Borough of Franklin Lakes Council authorizes and hereby agrees to match 100% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Resolution 28-12 Stipulation of Settlement – Teo

WHEREAS, MARK TEO, filed real property tax appeals for the years **2009** [Docket No. 011801-09], **2010** [Docket No. 009369-10] and **2011** [005777-11]; and **WHEREAS**, the real property assessment for the subject premises, located at 708 Galloping Hill Road (Block 1607.06, Lot 2) on the Tax Assessment Map of the Borough of Franklin Lakes for the years **2009**, **2010** and **2011** are as follows:

	<u>2009</u>	
Land		\$ 770,200
Improvements		\$ 717,300
Total		\$1,487,500

	<u>2010</u>	
Land		\$ 770,200
Improvements		\$ 717,300
Total		\$1,487,500

2011

Land	\$ 540,200
Improvements	\$ 592,000
Total	\$1,132,200

and;

WHEREAS, the 2009 , 2010 and 2011 tax appeals may be settled by reduction of the aforesaid assessments as follows:

	<u>2009</u>	
Land		\$ 770,200
Improvements		\$ 667,300
Total		\$1,437,500

	<u>2010</u>	
Land		\$ 770,200
Improvements		\$ 667,300
Total		\$1,437,500

	<u>2011</u>	
Land		\$ 540,200
Improvements		\$ 542,000
Total		\$1,082,200

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney that the settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Franklin Lakes be and hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Resolution 29-12 Authorize United Water Consent to Planning Board Application

WHEREAS, United Water New Jersey is making application to the Borough of Franklin Lakes Planning Board for certain improvements to the Wyandotte water treatment plant, located on Block 2203, Lot 1, commonly known as McBride Field; and,

WHEREAS, the Borough of Franklin Lakes owns McBride Field and United Water New Jersey has an easement from the Borough which permits the use of the easement area for the water treatment plant; and,

WHEREAS, United Water New Jersey has represented that the improvements as proposed in the present Planning Board application will be located within the existing easement area and are permitted by said easement; and,

WHEREAS, the Borough's application checklist, as set forth in Appendix A of the Borough Code requires that, if the applicant is not the owner of the property, then permission of property owner must be submitted with the application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that permission is hereby granted for United Water New Jersey to submit an application for certain improvements to the water treatment plant located within the United Water New Jersey easement area on Block 2203, Lot 1; and,

BE IT FURTHER RESOLVED that the Borough, by granting this permission, is not supporting or endorsing the application in any way; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to United Water New Jersey and the Borough of Franklin Lakes Planning Board.

Resolution 30-12 Budget Transfers

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the following 2011 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Police-S&W	\$4,100	
Board of Health OE	7,500	
To		
Litigation		\$4,100
Fire Department OE		2,500
Recreation Services & Programs OE		4,000
Water		1,000
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	\$11,600	\$11,600

Resolution 31-12 Emergency Temporary Appropriations

WHEREAS, the CY 2012 budget has not been adopted, and adequate provisions could not be made in the CY 2012 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

WHEREAS, the total emergency temporary resolutions adopted in CY 2012 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$2,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

1. That emergency temporary appropriations be and the same are hereby made for:

Finance - OE	\$2,000.00
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2. That said emergency temporary appropriations be provided for in the CY 2012 adopted budget.

That one certified copy of this resolution be filed with the Director of Local Government Services.

Respectfully submitted,

Sally T. Bleeker
Sally T. Bleeker, Borough Clerk