

**MEETING OF THE MAYOR AND COUNCIL**

**March 20, 2012**

**7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, March 20, 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, Councilwoman Ramsey, and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Richard Lustgarten, Chief Financial Officer William Pike and Borough Clerk Sally Bleeker. Absent was: Councilman Pedone.

**SUNSHINE LAW STATEMENT**

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

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PROCLAMATION**

**A Proclamation by the Mayor of Franklin Lakes  
Supporting the Mayors Wellness Campaign**

**WHEREAS**, fifty-five percent of New Jersey residents are obese or overweight, and

**WHEREAS**, medical expenses for treating problems related to obesity in our state total billions annually, and

**WHEREAS**, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and

**WHEREAS**, the current generation of children in America may have shorter life expectancies than their parents, and

**WHEREAS**, the Mayors Wellness Campaign supports Mayors as champions of community health, and

**WHEREAS**, the goal of the campaign is to improve health, reduce health care costs related to obesity, and make New Jersey a national leader in community-based health interventions, and

**WHEREAS**, the Mayors Wellness Campaign seeks to foster active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives, and

**WHEREAS**, The Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for Franklin Lakes, now therefore be it

**WHEREAS**, Franklin Lakes cares deeply about all of its citizens and the future health of its children

**RESOLVED**, that I, Mayor Frank Bivona, ask that all residents of this community join me in supporting the Mayors Wellness Campaign, and be it further

**RESOLVED**, that I encourage the residents of Franklin Lakes to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Roll Call Vote:

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

Danielle Weitz – 512 Haddon Place, she asked if the Environmental and Community Committee had sat down together to discuss the pet limit law. Mr. Hart said the Committee did meet and he will bring their recommendations to the Council possibly at the next Mayor and Council meeting on April 3<sup>rd</sup>.

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

Roll Call Vote:

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

**PUBLIC HEARINGS**

**ORDINANCE NO. 1537**

**AN ORDINANCE AMENDING CHAPTER 42 “FIRE DEPARTMENT”  
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES**

**WHEREAS**, an ordinance entitled, AN ORDINANCE AMENDING CHAPTER 42 “FIRE DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES was introduced at a meeting of the Mayor and Council held on the 21st day of February, 2012 and duly published by law;

**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 1537 be and the same is hereby adopted on second and final reading; and,

**BE IT FINALLY RESOLVED** that the Borough Clerk is hereby authorized and directed to publish the Notice of Adoption as required by law.

Motion to open the hearing to the public and read by title only was made by Council President Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

Ordinance read by title only by Borough Clerk, Sally Bleeker.

No one from the public came forward.

Motion to close the time for public comment was made by Councilman Smith, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

Resolution read and introduced by Councilwoman Lota, seconded by Councilwoman Ramsey. Discussion – none.

Roll Call Vote:

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

**ORDINANCE 1538**

**EXCEED THE 2012 MUNICIPAL BUDGET COST OF LIVING  
ALLOWANCE AND TO  
ESTABLISH A CAP BANK**

**WHEREAS**, an ordinance entitled, EXCEED THE 2012 MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK was introduced at a meeting of the Mayor and Council held on the 21st day of February, 2012 and duly published by law;

**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 1538 be and the same is hereby adopted on second and final reading; and,

**BE IT FINALLY RESOLVED** that the Borough Clerk is hereby authorized and directed to publish the Notice of Adoption as required by law.

Motion to open the hearing to the public and read by title only was made by Council President Kahwaty, seconded by Councilman Smith. Discussion – none.

Roll Call Vote:

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

Ordinance read by title only by Borough Clerk, Sally Bleeker.

No one from the public came forward.

Motion to close the time for public comment was made by Council President Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**PUBLIC HEARING ON THE 2012 MUNICIPAL BUDGET**

**2012 Municipal Budget Presentation**

Borough Administrator Greg Hart presented the 2012 Municipal Budget via power point presentation.

**Resolution 74-12**

**Amend 2012 Municipal Budget**

- Please See Attached Spread Sheet

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

Motion to open the time for public comment on the 2012 Municipal Budget and the Amendment to the 2012 Municipal Budget was made by Councilman Smith, seconded by Council President Kahwaty. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

No one from the public came forward.

Motion to close the time for public comment on the 2012 Municipal Budget and the Amendment to the 2012 Municipal Budget was made by Councilman Smith, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**Resolution 75-12  
Adopt 2012 Municipal Budget**

- Please See Attached Spread Sheet

Resolution read by Borough Administrator Hart and introduced by Council President Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**PRESENTATION FROM THE OFFICE OF EMERGENCY MANAGEMENT**

Nick Pokrovsky and Don Osenbruck both came forward to discuss Points of Distribution in regards to emergency preparation.

**CONSENT AGENDA RESOLUTION**

**Resolution 76-12**

**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 77-12	Accept Report of the Finance Committee
Resolution 78-12	Approve VanderPlaat Sewer Agreement
Resolution 79-12	Amendment to Personnel Policy
Resolution 80-12	Adopting Amended Personnel Policy
Resolution 81-12	Civil Rights Resolution
Resolution 82-12	Opposition to Bergen County Freeholders Resolution 27-2012
Resolution 83-12	Approve Sewer Agreement with Northwest Bergen County Utilities Authority
Resolution 84-12	Budget Transfer

Resolution read and introduced by Council President Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

## **ACTION ON MINUTES**

Motion to accept the minutes as amended was made by Councilman Smith and seconded by Councilman Kelly:

- February 7, 2012 Worksession
- February 13, 2012 Budget Meeting
- February 21, Regular Meeting
- March 6, 2012 Closed Session

Discussion – none.

### Roll Call Vote:

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

Nays:

Abstain: Ramsey – February 7, 2012 Worksession; February 13, 2012 Budget Meeting; February 21, 2012 Regular Meeting.

Absent: Pedone

Motion Approved.

## **BOROUGH CLERK**

Borough Clerk, Sally Bleeker, reported that a One Day Liquor License is being requested by the Nathan Barnert Memorial Temple. They are holding the affair on May 12, 2012. The application is being sent into the state.

## **OLD BUSINESS**

No Old Business to discuss.

## **NEW BUSINESS**

### **ORDINANCE 1539**

#### **AN ORDINANCE AMENDING CHAPTER 144 “ALCOHOLIC BEVERAGES” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE CERTAIN FEES**

**WHEREAS**, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 144 “ALCOHOLIC BEVERAGES” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE CERTAIN FEES was introduced at a meeting of the Mayor and Council held on the 20th day of March, 2012;

**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 1539 be and the same is hereby adopted on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1539 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of April 2012 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 1539; 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 read and introduced by Councilwoman Lota, seconded by Councilwoman Ramsey. Ordinance title was read by the Borough Clerk. Discussion – none.

Roll Call Vote:

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

**ORDINANCE 1540**

**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 2012**

**WHEREAS**, an ordinance 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 2012 was introduced at a meeting of the Mayor and Council held on the 20th day of March, 2012;

**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 1540 be and the same is hereby adopted on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1540 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17<sup>th</sup> day of April 2012 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 1540; 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 read and introduced by Councilman Kelly, seconded by Councilwoman Lota. Ordinance title was read by the Borough Clerk. Discussion – none.

Roll Call Vote:

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

**ORDINANCE 1541**

**AN ORDINANCE SUPPLEMENTING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROVIDE REQUIREMENTS FOR CURBS**

**WHEREAS**, an ordinance entitled AN ORDINANCE SUPPLEMENTING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROVIDE REQUIREMENTS FOR CURBS was introduced at a meeting of the Mayor and Council held on the 20th day of March, 2012;

**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 1541 be and the same is hereby adopted on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1541 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17<sup>th</sup> day of April 2012 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 1541; 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 read and introduced by Council President Kahwaty, seconded by Councilman Kelly. Ordinance title was read by the Borough Clerk. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

At this time, Councilwoman Lota announced that there is a new ambulance rig on the road.

Greg Hart, Borough Administrator advised that the Borough website has been updated and revised. Mr. Hart credited the Tax Assessor Clerk, Lynette Sidotti, saying that she did most of the work.

**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, March 20, 2012 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Contract Negotiations - AFSME

**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 8:50 pm was made by Council President Kahwaty, seconded by Councilman Smith.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**ADJOURNMENT**

Motion to adjourn the meeting at 9:10 pm was made by Council President Kahwaty, seconded by Councilwoman Lota. On voice vote, all in favor.

**Resolution 77-12      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 \$195,550.21 as shown on the Claims Bill List; and \$399.50 as shown on the Soil Claims List.

**Resolution 78-12      Approve VanderPlaat Sewer Agreement**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to sign a Sewer Use Agreement between the Borough of Franklin Lakes, the Borough of North Haledon and Vander Platt Vermeulen Memorial Home, subject to the review and approval of the Borough Attorney.

**Resolution 79-12      Amendment to Personnel Policy**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that paragraph 4 "Americans with Disabilities Act Policy", paragraph 14 "Access to Personnel Files Policy" and paragraph 30 "E-Mail, Voice Mail, Computer and Internet Usage Policy" in the Borough's Personnel Policies and Procedures Manual and the Employee Handbook be and are hereby amended to read as follows:

4)      ***Americans with Disabilities Act Policy.***

In compliance with the Americans with Disabilities Act, *the ADA Amendments Act* and the New Jersey Law Against Discrimination, the Borough does not discriminate based on disability. The Borough will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, *as well as the ADA Amendments Act.*

It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act, *the ADA Amendments Act* and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known *or perceived* disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose under hardship on the Borough.

The Borough Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

*Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.*

14)      ***Access to Personnel Files Policy.***

The official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files are confidential records that must be secured in a locked

cabinet and will only be available to authorized managerial and supervisory personnel and members of the governing body on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Upon request, employees may inspect their own personnel files at a mutually agreeable time on Borough premises in the presence of the Borough Administrator or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the Borough may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough's compliance with applicable law;
- To the Borough's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment.

**30) Systems Privacy (includes E-mail, Voice Mail, Computer Usage and Internet Usage Policy)**

The Borough respects the individual privacy of its employees. However, e-mail, voicemail, Internet, Borough issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited; except that Borough issued cellular devices may be utilized for official and personal business upon approval of an appropriate reimbursement agreement for such personal use by the Borough Administrator. All e-mail, voice mail and Internet message are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

**a. Management's Right to Access Information**

E-mail, voicemail and computer network systems have been installed by the Borough to facilitate business communications. The contents of the systems are accessible at all times by the Borough. These systems should be treated like other shared filing systems. E-mail and voicemail messages, to the extent these systems are utilized, are Borough records. The Borough reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet message on the computer and communications systems of the Borough as deemed necessary and appropriate and without prior notice. By using the Borough's e-mail, computer systems, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

**b. Care In Use of E-Mail, Voicemail, Internet and Computer Network Systems**

Employees must exercise a greater degree of caution in transmitting the Borough's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator.

**c. Personal Use of E-Mail, Voicemail, Internet and Computer Network Systems**

Because the Borough provides e-mail, voicemail, Internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The Borough reserves the right to access and disclose as necessary all messages sent over its systems, without regard to content.

Since the contents of e-mail and voicemail may be accessed by the Borough without prior notice to employees, and since the Borough can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Borough if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

**d. Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications**

Employees may not use the e-mail, voicemail, Internet computer network systems, or Borough issued cellular device or any other Borough issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to

others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

Violations of the Borough's policy of the use of e-mail, voicemail, Internet, complete network systems and Borough issued cellular device or any other Borough issued electronic device will subject the employee to discipline, up to and including immediate termination.

**e. Unauthorized Access**

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to every employee.

**Resolution 80-12 Adopting Amended Personnel Policy**

**WHEREAS**, it is the policy of the Borough of Franklin Lakes to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

**WHEREAS**, the Borough maintains a policies and procedures manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and,

**WHEREAS**, the Municipal Excess Liability Insurance Fund, of which the Borough is a member, requires the update of the Borough's policies and procedures manual to ensure compliance and adherence to recent changes to federal and State laws and regulations and recent court case rulings;

**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 Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

**BE IT FURTHER RESOLVED** that Mark Ruderman, Esq., is hereby appointed as Labor Attorney to advise the Borough in personnel matters.

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

**Resolution 81-12 Civil Rights Resolution**

**WHEREAS**, it is the policy of the Borough of Franklin Lakes to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes has determined that certain procedures need to be established to accomplish this 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 no official, employee, appointee or volunteer of the Borough, by whatever title known, or any entity that is in any way a part of the Borough, shall engage, either directly or indirectly in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough; and,

**BE IT FURTHER RESOLVED** that the prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough; and,

**BE IT FURTHER RESOLVED** that discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution, and such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints; and,

**BE IT FURTHER RESOLVED** that no person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Mayor and Council the results of the monitoring; and,

**BE IT FURTHER RESOLVED** that, at least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough, and this communication shall include a statement from the Mayor and Council expressing its unequivocal commitment to enforce this resolution, and this summary shall also be posted on the Borough's web site; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

**Resolution 82-12      Opposition to Bergen County Freeholders Resolution 27-2012**

**WHEREAS**, Bergen County Freeholder Resolution 27-2012, dated January 18, 2012, clarifies and defines the Bergen County policy on the ownership, maintenance and repairs of bridge culverts in Bergen County; and,

**WHEREAS**, Bergen County Resolution 27-2012 states that Bergen County's culvert bridge maintenance responsibilities are limited to bridge culverts on Bergen County roads regardless of any past practice of providing assistance; and

**WHEREAS**, NJSA 39:5-41 requires municipalities to pay one-half of all fines, penalties and forfeitures imposed and collected under the authority of law by the municipal police department for any violations of Title 39, except for violations of certain littering statutes, to the proper financial officer of the county to be used by the county for, among other things, the construction, reconstruction, maintenance and repair of roads and bridges; and,

**WHEREAS**, although Bergen County has limited their responsibility for culvert bridge construction, repair and maintenance via Resolution 27-2012 and Bergen County has not given up the payments municipalities are required to pay counties via NJSA 39:5-41; and

**WHEREAS**, in compliance with NJSA 39:5-41, the Borough of Franklin Lakes has paid to Bergen County \$106,513.74 in 2010 and \$98,670.25 in 2011.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey hereby oppose Resolution 27-2012 and urges the Bergen County Freeholders to rescind said resolution or relieve the Borough of Franklin Lakes from its responsibility under NJSA 39:5-41 to pay Bergen County one-half of all fines, penalties and forfeitures imposed by the Franklin Lakes Municipal Court for violations of Title 39; and,

**BE IT FURTHER RESOLVED** that the Municipal Clerk forward a copy of this resolution to Bergen County's Municipal Clerks for distribution to their Mayor and governing bodies.

**Resolution 83-12      Approve Sewer Agreement with Northwest Bergen County  
Utilities Authority**

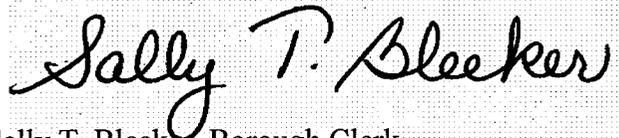
**BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to sign an Agreement between the Borough of Franklin Lakes and Northwest Bergen County Utilities Authority for the construction of a sanitary sewer system in the Borough's downtown business district substantially as set forth in a draft Agreement dated March 16, 2012, subject to the review and approval of the Borough Attorney.

**Resolution 84-12     Budget Transfer**

**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>
Mayor & Council S&W	\$2,400	
Uniform Construction Code S&W	3,800	
<b>To</b>		
Financial Administration OE		\$2,200
Vehicle Maintenance		4,000
	<hr/>	<hr/>
	\$6,200	\$6,200

Respectfully submitted,



Sally T. Bleeker, Borough Clerk

BOROUGH OF FRANKLIN LAKES  
RESOLUTION NO. 74-12

Resolution Re: Resolution to Amend 2012 Budget

WHEREAS, the local municipal budget for the year 2012 was approved on the 21st day of February, 2012, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Franklin Lakes, County of Bergen, that the following amendments to the approved budget of 2012 be made:

<b>CURRENT FUND</b>	<u>From</u>	<u>To</u>
<b>8. General Appropriations</b>		
(A) Operations Within "CAPS"		
Public Works		
Streets and Roads Maintenance		
Other Expenses	\$ 402,150	\$ 367,150
Total Operations (Item 8(A)) within "CAPS"	10,661,852	10,626,852
Total Operations including Contingent - Within "CAPS"	10,661,852	10,626,852
Detail:		
Other Expenses	5,491,810	5,456,810
(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"		
Statutory Expenditures		
Payoff of Deferred Pension Obligation - PFRS	343,000	364,000
Payoff of Deferred Pension Obligation - PERS	112,000	121,000
Defined Contribution Retirement Program - DCRP		5,000
Total Deferred Charges and Statutory Expenditures		
Municipal - Within CAPS	1,587,185	1,622,185

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2012 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Borough Council on the 20th day of March, 2012.

Certified by me

\_\_\_\_\_ 2012

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

**SECTION 2 - UPON ADOPTION FOR YEAR 2012**

**RESOLUTION 75-12**

Be It Resolved by the Governing Body of the Borough of Franklin Lakes, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 9,324,431 (Item 2 below) for municipal purposes, and
- (b) \$ \_\_\_\_\_ (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ \_\_\_\_\_ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ \_\_\_\_\_ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 1,490,829 (Item 5 below) Minimum Library Levy

<b>RECORDED VOTE</b> (Insert last name)	Ayes	Kahway	(	Abstained	(	
		Kelly	(			
	Ayes	Lota	(	Nays	(	
		Ramsey	(			
		Smith	(			
			Absent	(		Pedone

**SUMMARY OF REVENUES**

<b>1. General Revenues</b>			
Surplus Anticipated		08-100	\$ 1,265,000
Miscellaneous Revenues Anticipated		13-099	\$ 3,754,902
Receipts from Delinquent Taxes		15-499	\$ 630,000
<b>2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)</b>		07-190	\$ 9,324,431
<b>3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</b>			
Item 6, Sheet 42		07-195	\$ _____
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$ _____
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
<b>4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:</b>			
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$ _____
<b>5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY</b>			
		07-192	\$ 1,490,829
		13-299	\$ 16,465,162
<b>Total Revenues</b>			\$ 16,465,162