MEETING OF THE MAYOR AND COUNCIL
JUNE 7, 2012
7:00 P.M.

A regular meeting of the Mayor and Council was held on June 7, 2012 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional responded to the roll call:

Mayor Bivona, Council President Kahwaty, Councilperson Kelly, Councilperson Lambrix, Councilperson Lota, Councilperson Pedone and Councilperson Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney Smith, and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PROCEDURAL CHANGES FOR COUNCIL MEETINGS

Mayor Bivona explained that the reason for the earlier meeting time tonight was to discuss some procedural changes. He said that the proposed changes would also allow for better flow of the meeting and he asked that the Council Liaisons take more responsibility for their portions of the meetings.

Mr. Hart reviewed the new way the ordinances would be handled in order to avoid reading ordinance titles twice. Before the public hearing is opened, the Council Liaison for the particular ordinance would provide a brief description of the ordinance. Mr. Smith stated that more than one ordinance could be introduced at a time. Mr. Hart said that these changes will be incorporated at the next meeting including the designation of the Council Liaison in charge of the discussion of each resolution or ordinance. He added that the responsibility of the Council Liaison should include responding to correspondence pertaining to that particular department.

Mr. Hart stated that it is not good procedure to list items on the agenda until the Council committee has presented a recommendation on that item. This procedural change will facilitate the meeting process. He stressed the importance for Councilmembers to become familiar with the agenda as soon as it becomes available in order to do any follow up work that is necessary in order to be fully prepared for the Council meeting. Mr. Hart asked to be contacted as soon as possible if there are any computer problems.

Mayor Bivona agreed and added that no one should be at a disadvantage by having to vote on an ordinance or resolution that they are not familiar with. Mayor Bivona said that this will be a more efficient way of running the meeting and should avoid the need to table items. He suggested that Committee Chairpersons be invited to the meeting to answer any questions that are raised when the Council is discussing topics pertinent to that committee.

Mr. Hart stated that each Council Committee is made up of two council members who should be attending related meetings on a regular basis. If you cannot attend, arrangements should be made to have the secondary person attend. Ms. Bleeker asked Councilmembers to advise her if they are unable to attend any council meetings.

Mayor Bivona opened the regular meeting at 7:30 PM.

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Council President Kahwaty, seconded by Councilperson Ramsey. Discussion – none. On voice vote, all in favor, motion approved.

No one from the public came forward and a motion to close the time for public comment was made by Councilperson Lambrix. Seconded by Councilperson Ramsey. Discussion – none. On voice vote, all in favor, motion approved.

PUBLIC HEARINGS

ORDINANCE 1548

A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF $499,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $380,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

WHEREAS, an ordinance entitled, A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF $499,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $380,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF was introduced at a meeting of the Mayor and Council held on the 15th day of May, 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 1548 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.

The Borough Clerk read Ordinance 1548 by title only.

Motion to open the hearing to the public was made by Council President Kahwaty, seconded by Councilperson Lota. On voice vote, all in favor, motion approved.

Mr. Hart stated that this is a capital bond ordinance authorizing funding for two used trucks, replacement salter frames, plows, ride on mower and a four by four vehicle for the DPW; a Special Services support vehicle, radios, turn out gear, a hose and pagers for the Fire Department; and a radar unit and radio upgrades for the Police Department

Mayor Bivona stated that the time for public comment was now open and asked anyone wanting to speak to come forward. No one from the public came forward.

Motion to close the time for public comment was made by Council President Kahwaty. Seconded by Councilperson Pedone. Discussion – none. On voice vote, all in favor, motion approved.

Resolution introduced by Councilperson Kelly, seconded by Councilperson Lambrix. Discussion – Councilperson Lambrix asked if this type of equipment is normally financed through bonds. Mayor Bivona explained the process and stated that the capital budget is normally bonded; however, this year some of the capital expenditure is being funded

through the operating budget. Over time, the goal is to bond out as little as possible and be in a position to pay for capital expenses.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays:
Abstain:
Absent:
Motion Approved

BOROUGH ENGINEER'S REPORT

- **Status Report**

Jim Kelly of Boswell Engineering presented the engineering status report; however, there were no specific questions from Councilmembers.

- **Hold Harmless Agreement - Hicks**

Mr. Kelly stated that the homeowner wants to do minor grading in the rear yard including screening work and the installation of a fence. This work is being done in a drainage easement area which triggers the need for a Hold Harmless Agreement. Mr. Kelly recommended the issuance of this agreement.

- **McCoy Road Funding Recommendation**

Mr. Kelly recommended that McCoy Road be included in this year's funding project. Mr. Hart stated that the Borough had received a grant; however, the Borough would be responsible to cover the difference between the New Jersey Department of Transportation (NJDOT) grant of $146,500 and the $215,000 which is the actual cost of the proposed work. Mr. Kelly stated that it would make sense to proceed with the full scope of the work. Councilperson Ramsey expressed concern about the part of the road located in Oakland and Mayor Bivona asked if there would be an issue if this portion of the road was not paved until next year. Mr. Kelly indicated that waiting for 18 months to pave a portion of McCoy Road wouldn't be a problem technically; however, it will cost more to do this work next year and there is no guarantee that it will be done by Oakland.

Mr. Hart said that an ordinance would be introduced at the meeting of June 19th appropriating money for the McCoy Road project. Money will be available through the grant and the capital reserve. In addition, the Mayor and Council indicated their approval of a Hold Harmless Agreement for Hicks to be listed on the June 19th agenda.

Mr. Kelly referred to Mrs. Stack who lives adjacent to the Mill Brook Estates subdivision off of Birch Road. She spoke about her drainage concerns at last night's Planning Board meeting. Boswell Engineering contacted the developer through a sub-contractor and indicated that the issues such as soil erosion protection measures that have fallen into disrepair must be corrected by June 14th or a stop work order will be issued.

Mr. Kelly reported that a meeting was held early this week regarding the sewer matter. Northwest Bergen Utility Authority is considering a modification to the program which would stop the sewer line just short of Franklin Avenue and extend the line from the corner of Susquehanna Road to Pulis Avenue across the railroad tracks to the water main. This would provide the opportunity to service this portion of the Borough. Mr. Hart pointed out that under the previous plan it would have been the Borough's responsibility to pay for the extension of the pipe under the railroad at a cost of approximately $350,000.

Mayor Bivona reported that he, Mr. Hart and Mr. Smith had met with the Northwest Bergen Utility Authority to discuss the agreement that must be in place to do this work. Mr. Smith stated that there is a new agreement which incorporates the 2006 agreement and the attorney for the Sewer Authority has been advised to go forward with this

amended agreement. Mayor Bivona confirmed that the Sewer Authority is installing the sewer at no cost to the Borough and there are no mandatory hook-ups.

CONSENT AGENDA RESOLUTION
Resolution 128-12

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 resolution can be found after the Adjournment.

Resolution 129-12 Accept Report of Finance Committee

Resolution introduced by Councilperson Kelly, seconded by Councilperson Lota. Discussion –None.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays:
Abstain:
Absent:
Motion Approved

Resolution 130-12

BE IT RESOLVED, by the Mayor and Council of the municipality of FRANKLIN LAKES that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

1. **Summit Avenue Rehab-Municipal Aid program**
2. **Woodside Avenue Sidewalks-Discretionary Aid (LAIF) program, Dist II**
3. **Lower Dam Road Rehabilitation-Discretionary Aid program, Dist I**

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of FRANKLIN LAKES for the stated project(s).

The resolution was read and introduced by Council President Kahwaty. Seconded by Councilperson Ramsey. Discussion:

Mr. Hart explained that this is a resolution authorizing the submission of three applications through Capital Alternatives. These are three separate grants and the Woodside Avenue Sidewalks Discretionary Aid Program, District Two would provide for the installation of a curb sidewalk in the amount of $243,000. He reminded everyone that Capital Alternatives receives a 10% grant fee which is paid for by the Borough if the professionals are successful in obtaining the grant. Mr. Hart referred to the other programs which include a municipal aid program for Summit Avenue and a Lower Dam Road rehabilitation project at that Nature Preserve. The Lower Dam Road is in need of immediate and long term repairs consisting of pipe replacement in the culvert. The Engineering Oversight Committee and the Grants Committee both recommend the use of Capital Alternatives for these three grants.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays:
Abstain:
Absent:
Motion Approved

MAYOR'S REPORT

Mayor Bivona reported on several break-ins during the last week and he noted that there have been 15 so far this year. He will speak with the Police Chief to discuss methods that can be used to raise awareness of this problem. He added that the new Police Chief will attend the next Meet the Mayors function. Mayor Bivona mentioned the court case involving T Mobile and the cell tower at the Market Basket which will be coming up at the end of next month.

LIAISON REPORTS

ENVIRONMENAL AND COMMUNITY AFFAIRS

Councilperson Pedone thanked Councilperson Ramsey for the work she has done to obtain three new trees. He also thanked Chairperson Ann Swist for her work on the Memorial Day Parade.

Councilperson Ramsey has spoken to Horizon Landscaping who indicated that they maintain the ramps to the highway even through the program has been stopped by the State. Horizon said that they will purchase and plant the three trees referred to by Councilperson Pedone. Mr. Hart added that the Newcomers Club will be donating two trees to be planted at the Clock Tower Park as well as additional landscaping for the front of Borough Hall. Councilwoman Ramsey reported that Horizon Landscaping is also considering "adopting" or provide plantings around the bus stop.

Councilperson Pedone thanked Tom Lambrix for his years of service on the Environmental Commission. Mr. Lambrix encouraged anyone interested in being on the Environmental Commission to contact the Mayor.

PLANNING & DEVELOPMENT

Council President Kahwaty reported that the Planning Board Meeting has passed a resolution on solar panels which will incorporate a grandfather provision and a notice provision identifying solar facilities. The amended resolution on the Tice Road property was also adopted and the Market Basket site plan application for a new refrigeration unit was carried.

- **Building and Electrical Fees**

Council President Kahwaty reported that Ray Dressler, Construction Official, is proposing changes to the construction fees which would be consistent with comparable towns. Mr. Hart reminded the Council that the Construction Office by State Law is not supposed to be a revenue generating department. Each year a report is filed with the Department of Community Affairs (DCA) showing revenues and expenditures. The DCA steps in from time to time and asks municipalities to increase their expenditures or decrease their fees. Mr. Hart said that the Construction Department has generated more revenue than expenditures in recent years and this may not be the time to increase the fees in this department. Upon questioning from Councilperson Lambrix, Mr. Hart stated that the department has been running at a surplus over the past two years; however, before that the department was running at a deficit. Mayor Bivona pointed out that this is a type of monopoly and Council President Kahwaty said that to raise the fees without good reason would be wrong.

Mayor Bivona asked for a consensus and Councilmembers agreed to revisit this next year. Mr. Hart will report the Council's findings to Mr. Dressler.

RECREATION AND PARKS

- **Recreation – Football Equipment Reconditioning**

Mr. Hart stated that this is a contract award for football equipment reconditioning. Three proposals were received with a recommendation that the contract be awarded to ASA which is the lowest priced proposal in the amount of $5,833.20. This resolution will be on the June 19th meeting agenda.

ADMINISTRATION AND FINANCE

- **Salary Ordinance**

Councilperson Kelly reported that there has been an agreement on the lieutenant's salary of 2% raise. The salary ordinance will be amended to reflect this change and will be introduced at the June 19th meeting.

- **Summer Hours**

Councilperson Kelly stated that an employee has proposed working longer hours on certain days in order to have Friday afternoon off during the summer. He suggested that one employee could remain in the building to provide services to the residents. Councilperson Kelly reported on a number of violations in the Fire House; however, the town is on track to resolve these issues. He noted the summer interns at the Borough who are an asset to the Borough and deserve Council support. Councilperson Kelly noted the upgrade of computers from Office 2007 to the current version.

Referring to the possibility of shorter hours on Fridays, Mr. Hart stated that all employees would work an additional half hour Monday through Thursday and would get off two hours early on Friday. Mr. Hart did not support the idea of having one employee in the building to answer questions that he or she is not properly trained to answer. He said that all employees must agree to the change as well as agreeing whether the extra half hour will be added to the beginning or end of the workday. The DPW may choose to come in a half hour earlier in the summer due to the potential heat that occurs later in the day.

Mr. Smith said that in order to protect the Borough, an amendment to the union contract would be required stating that if this arrangement becomes problematic it can be discontinued. Councilperson Ramsey suggested a drop off box for taxes and other correspondence. Mr. Hart said he would talk to the employees and work with Councilmembers Kelly and Lambrix. He would like to begin the program on July 1st and a majority of Councilmembers indicated agreement with this program.

Mr. Hart stated that he will begin interviewing for the part time tax assessor position on Monday and Tuesday. He is interviewing five out of eleven qualified applicants. Mr. Smith said that on June 26, fifty tax appeals will have been filed meaning that it is important to hire a Tax Assessor quickly. Mr. Hart stated that they may be able to hire someone on an interim basis who is qualified to handle the tax appeals. If this is the case, a resolution could be ready for June 19th.

PUBLIC SAFETY

Councilperson Lota reported that she has been meeting with Chief Seltenrich about the future of the police department. These discussions will be ongoing. She stated that Officer Cacciatore was awarded a Top Gun DWI award from the Division of Traffic and Highway Safety for the highest number of DWI arrests in one year. The Borough received a $4,000 grant from the State for 80 hours of overtime to participate in the Click It or Ticket campaign and 307 tickets were written.

Councilperson Lota spoke about a tour of the Fire House given by Denny Knubel, Brian Dalton and Steve Linz for a group of kindergarten students. The Fire Department had 42 calls and the Ambulance Corp had 52 calls during May. She attended a Buildings Committee Meeting where all of the current projects were updated.

- **Alarm Registration**

Councilperson Lota stated that there is more work to be done on the alarm registration ordinance and she will be prepared to discuss this next month.

- **Bicycle Touring Club of New Jersey – Ramapo Rally – Sunday 8/19/12**

Ms. Bleeker stated that the Traffic Officer, the Police Department and the Fire Department will receive copies of the proposed route.

PUBLIC WORKS

- **WOLF – DPW Shared Services Agreement**

Mr. Hart stated that this agreement would formalize the lending and borrowing arrangement between Wyckoff, Oakland and Franklin Lakes. There is a full inventory of vehicles and equipment listed for each town. When a piece of equipment is borrowed it is required that an inspection form be completed to clearly state the condition of the equipment when it is initially taken out and again when it is returned. The DPW Superintendents of the three towns have endorsed this agreement. This resolution will be scheduled for June 19th.

- **ADA Ramp Agreement**
- **ADA Cooperative Engineering Design Agreement**

Mr. Hart stated that these are County agreements where the County will pay for the installation of curb cuts on County roads. The town contracts directly with a contractor for the curb work and the County will reimburse the Municipality for the full cost of the work. The County will also incur the costs involved with the engineering design. Mr. Hart indicated that he would get the paving schedule from the County.

BOROUGH ADMINISTRATOR'S REPORT

Ms. Bleeker stated that an application has been received for a one day liquor license for the Oasis for October 12th on McBride Field.

Mr. Hart received a Field Building Use Permit for the Wildcats for the use of Pulis and Municipal Field for September 1st and 2nd. Several Councilmembers were concerned about having Municipal Field used for this tournament after it has been closed.

Councilperson Ramsey asked about the ordinance that would limit parking to one side of Wyandotte Road exclusively. This will be discussed at the next meeting and Mayor Bivona said that the field will only be used for lacrosse for the remainder of the year. After further discussion, Mr. Smith said that an ordinance could be put on the agenda for introduction on June 19th.

OLD BUSINESS

Mayor Bivona spoke about the golf course property and said that some people are suggesting that the Borough purchase the property. He asked if the Council thought this purchase should be explored further. Council President Kahwaty said that they should consider financing options. Councilperson Lambrix favored having a meeting to look at the Borough's options and Councilmembers agreed to have a Closed Session meeting on June to discuss the situation.

Mr. Hart stated that the Construction Official is asking for a minor amendment to the fence ordinance. There are two sections which mention a fee which are inconsistent and Mr. Hart will have an ordinance ready for June 19th.

NEW BUSINESS

Councilperson Pedone has received complaints relative to landscaping trucks parking on each side of the road making it difficult and dangerous to pass. Mayor Bivona recommended notifying the police about this.

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 7, 2012 which begins at 7:00 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Pending Litigation – Decker
- Collective Bargaining – AFSCME
- Anticipated Litigation – Garden Court Bond
- Litigation Tax Appeal – Sinagra
- Contract Negotiations – Temple Property

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 Kahwaty, seconded by Councilman Smith at 9:15 P.M. to enter into Closed Session. Discussion – none.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays: None
Abstain: None
Absent None
Motion Approved

ADJOURNMENT

Motion by Council President Kahwaty to adjourn the meeting at 9:50 P.M. seconded by Councilperson Pedone. Discussion – none.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix Lota, Pedone and Ramsey
Nays:
Abstain:
Absent:
Motion Approved

Resolution 129-12

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 $1,769,375.71 as shown on the Claims Bill List and $216.00 as shown on the Soil Account Bill List.

BE IT FURTHER RESOLVED, that the payroll of May 10, 2012 in the amount of $222,835.53 and the payroll of May 24, 2012 in the amount of $241,854.22 be hereby ratified and approved.

Respectfully submitted,

Sally T. Bleeker

Sally T. Bleeker, Borough Clerk