

**MEETING OF THE MAYOR AND COUNCIL**

**April 2, 2013**

**7:30 P.M.**

A regular meeting of the Mayor and Council was held on April 2, 2013 in the Municipal Building.

**MEETING CALLED TO ORDER**

**ROLL CALL**

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

Mayor Bivona, Councilmember Kahwaty, Councilmember Lambrix and Council President Lota (via telephone). Also present were Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Absent were Councilmember Kelly, Councilmember Pedone and Councilmember Ramsey.

**SUNSHINE LAW STATEMENT**

Borough Clerk Bleeker read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PUBLIC HEARING ON THE 2013 MUNICIPAL BUDGET**

Motion was made by Councilmember Lambrix to carry the Public Hearing and Adoption of the 2013 Municipal Budget to the April 16, 2013 Meeting, seconded by Councilmember Kahwaty.

Roll Call Vote:

Ayes: Kahwaty, Lambrix, Lota

Nays:

Abstain:

Absent: Kelly, Pedone, Ramsey

Motion Approved.

**ORDINANCES FOR FINAL READING**

**ORDINANCE 1560**

**AN ORDINANCE INCORPORATING RULES AND REGULATIONS APPLICABLE  
TO THE MUNICIPAL SEWER SYSTEM IN CHAPTER 390, ARTICLE I OF THE  
CODE OF THE BOROUGH OF FRANKLIN LAKES**

*Summary: Establishes comprehensive rules and regulations for sanitary sewers including requirements for accessing and charging property owners for the use of the sewers.*

Mayor suggested that Ordinance 1560 be tabled to the April 16, 2013 Mayor and Council meeting since a formal agreement still has not been made.

Motion made by Councilmember Kahwaty to table Ordinance No. 1560 to the April 16, 2013 Mayor and Council meeting, seconded by Councilmember Lambrix.

Roll Call Vote:

Ayes: Kahwaty, Lambrix, Lota

Nays:

Abstain:

Absent: Kelly, Pedone, Ramsey

Motion Approved.

**ORDINANCE 1564**

**EXCEED THE 2013 MUNICIPAL BUDGET COST OF LIVING ALLOWANCE  
AND TO ESTABLISH A CAP BANK**

**WHEREAS**, an ordinance 1564 was introduced at a meeting of the Mayor and Council held on the 5th day of March, 2013 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 1564 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 made by Councilmember Kahwaty to take up Ordinance No. 1564 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

Motion to open the hearing to the public was made by Councilmember Lambrix, seconded by Council Kahwaty. On voice vote, all in favor.

No one from the public came forward.

Motion to close the hearing to the public was made by Councilmember Kahwaty, seconded by Council Lambrix. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Lambrix, Lota

Nays:

Abstain:

Absent: Kelly, Pedone, Ramsey

Motion Approved.

**OPEN THE TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

No one from the public came forward.

Motion to close the time for public comment was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

## **CONSENT RESOLUTION 106-13**

**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 107-13	Accept Report of the Finance Committee
Resolution 108-13	Stipulation of Settlement – Madan
Resolution 109-13	Stipulation of Settlement – Banca
Resolution 110-13	Authorize Mayor and Clerk to Sign Agreement GS Realty Corp.
Resolution 111-13	Award Contract – DPW Sound Off Signal Lights
Resolution 112-13	Property Tax Deductions – Veterans
Resolution 113-13	Property Tax Deductions – Senior Citizen
Resolution 114-13	Emergency Temporary Appropriation

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix.

### Roll Call Vote:

Ayes: Kahwaty, Lambrix, Lota

Nays:

Abstain:

Absent: Kelly, Pedone, Ramsey

Motion Approved.

At this time, the Status reports and Standing Committee reports were deferred to the next Work Session Meeting scheduled for May 7, 2013.

## **CLOSED SESSION**

There were no Closed Session items for discussion.

## **ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

### **Resolution 107-13 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 \$4,673,460.22 as shown on the Claims Bill List and \$6,292.75 as shown on the Soil Account Bill List.

### **Resolution 108-13 Stipulation of Settlement – Madan**

**WHEREAS**, an appeal of the tax assessment for the year 2012 has been filed for the following property; and

Block:	2304.09
Lot:	9
Street Address:	775 Oneida Trail
Owner:	Akshay and Neeta Madan

**WHEREAS**, an adjustment in the assessed value of the property has been recommended by the Tax Assessor, the Tax Appraiser, and the Borough Attorney for the Borough of Franklin Lakes. It is based on the overall physical depreciation of the property; and

**WHEREAS**, said adjustment will reflect the fair market value for said property; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the Assessor is hereby directed to adjust the assessment for the property as shown:

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 557,800.00	\$ 557,800.00
Improvements	\$1,671,400.00	\$1,592,200.00
Total	\$2,229,200.00	\$2,150,000.00

**IT IS FURTHER** approved that the Borough Attorney is hereby authorized to execute the Stipulation of Settlement attached hereto.

**Resolution 109-13 Stipulation of Settlement – Banca**

**WHEREAS**, the Borough of Franklin Lakes has filed a tax appeal with the Tax Court of New Jersey from the Judgment entered by the Bergen County Tax Board for the year 2012 for the following property; and

Block: 2304.07  
 Lot: 15  
 Street Address: 848 Butternut Drive  
 Owner: Richard and Helene Banca

**WHEREAS**, a settlement of the pending appeal with the New Jersey Tax Court has been recommended by the Borough’s Tax Assessor, Tax Appraiser, and Borough Attorney based on a recent sale of the property, and a re-inspection of the property; and

**WHEREAS**, this settlement will adjustment the assessment to reflect the fair market value of said property; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the Borough Attorney is hereby authorized to settle the tax appeal for the year 2012 as follows:

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 464,000.00	\$ 464,000.00	\$ 464,000.00
Improvements	\$1,446,800.00	\$ 836,000.00	\$1,086,000.00
Total	\$1,910,800.00	\$1,300,000.00	\$1,550,000.00

**IT IS FURTHER** resolved that the Borough Attorney is hereby authorized to execute a Stipulation of Settlement reflecting the above adjustment to the assessed value of the property.

**Resolution 110-13 Authorize Mayor and Clerk to Sign Agreement GS Realty Corp.**

**WHEREAS**, GS Realty Corp. (hereinafter referred to as “GS Realty”) is the owner of lands and premises commonly known as Lot 2, Block 1411 in the Borough of Franklin Lakes (hereinafter referred to as the “Property”); and

**WHEREAS**, the development of the Property is controlled by a Settlement Agreement entered in the matter of University Heights LLC v. Borough of Franklin Lakes, Docket No. BER-L-3288-99, Law Division, Bergen County, which settlement resolved the Borough’s low and moderate income housing obligation; and

**WHEREAS**, development of the Property is also controlled by various agreements between the owner or prior owners and the Borough, resolutions of the Mayor and Council, and resolutions of the Planning Board of the Borough of Franklin Lakes (hereinafter referred to as the “Board”); and

**WHEREAS**, GS Realty has made application, and received approval from the Board, for the development of the Property, including construction of 87 residential units, including a minimum of 18 affordable COAH qualified units to be contained within two (2) separate structures; and

**WHEREAS**, the Borough, the Board, and GS Realty have reached an understanding, set forth in the Agreement which is attached hereto and made a part hereof, resolving all outstanding issues relating to the development of the Property, and amending all prior agreements in accordance with the terms of said Agreement; and

**WHEREAS**, a hearing has been conducted before the Board, and said Board has approved all of the terms of the Agreement attached hereto, modifying all prior resolutions and agreements of the Board in regard to the Property; and

**WHEREAS**, it is the opinion of the Governing Body of the Borough of Franklin Lakes that the Agreement attached hereto is a reasonable settlement of all outstanding issues relating to the Property, and will benefit the Borough of Franklin Lakes and permit the construction of low and moderate income housing, as is required under the laws of the state of New Jersey; and therefore it is hereby

**RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Clerk are hereby authorized to execute the Agreement attached hereto and made a part hereof between the Borough, GS Realty, and the Board, said Agreement having been previously approved by the Board and executed by the Board’s Chairperson and Secretary and by GS Realty.

**Resolution 111-13 Award Contract – DPW Sound Off Signal Lights**

**WHEREAS**, the Superintendent of the Road Department received three proposals for sound off signal lights; and

**WHEREAS**, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

**WHEREAS**, by resolution adopted on January 18, 2011, the Mayor and Council established a policy which requires that, “where the purchases of goods or services total less than \$10,000 from an entity in which a Borough employee has an interest during any calendar year, the Borough’s purchasing agent or administrator must provide to the governing body and certify in writing that at least three proposals have been obtained”; and,

**WHEREAS**, the Borough Administrator has provided a certification that at least three proposals have been obtained;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that:

1. The 10-75 Emergency Lighting, LLC 51 Executive Parkway Building 1, Ringwood, NJ 07456 is hereby awarded a contract in the amount of \$1,168.84
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

**Resolution 112-13 Property Tax Deductions – Veterans**

**WHEREAS**, the following property owners have applied to the Borough of Franklin Lakes for a Veteran's Property Tax Deduction or a Widow of a Veteran Deduction, and,

**WHEREAS**, each applicant has been found eligible and entitled to said deduction for the year 2013,

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be authorized to grant these deductions for the year 2013.

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
3105.02	1	John Durkin	292 Wayfair Circle	250.00
1110.02	9	Thomas Srednicki	348 Indian Trail Dr	250.00
2418.02	6	Jeffrey Cooper	563 Lee Ct.	250.00

**Resolution 113-13 Property Tax Deductions – Senior Citizen**

**WHEREAS**, the following property owners have applied to the Borough of Franklin Lakes for a Senior citizen Property Tax Deduction or a Widow of a senior citizen Deduction, or a disabled person deduction and,

**WHEREAS**, each applicant has been found eligible and entitled to said deduction for the year 2013,

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be authorized to grant these deductions for the year 2013.

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
1104	1.01	Dorothy M. McGuire	1160 Franklin Lake Rd	250.00

**Resolution 114-13 Emergency Temporary Appropriation**

**WHEREAS**, the CY 2013 budget has not been adopted, and adequate provisions could not be made in the CY 2013 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 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$1,328,074.92;

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:

Salaries & Wages:

Municipal Clerk	850.00
Tax Collection	300.00
Planning	100.00
Electrical Inspector	500.00
Police	20,000.00
Road Repairs& Maint.	22,000.00
Board of Health	500.00
Recreation Dept.	4,000.00

Other Expenses:

Municipal Prosecutor	350.00
Public Defender	250.00
Social Security	10,000.00
Road Repairs& Maint.	10,000.00
Public Bldg & Grnds.	25,000.00
Vehicle Maint.	10,000.00
Insurance	115,000.00
Group Ins. Employees	95,000.00
Senior Citizens Prog.	3,500.00
Finance	1,000.00
Tax Collection	200.00

2. That said emergency temporary appropriations be provided for in the CY 2013 adopted budget.

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

Respectfully submitted,



Sally T. Bleeker, Borough Clerk