

**MEETING OF THE MAYOR AND COUNCIL
JUNE 18, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, June 18, 2013 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

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

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1568

A BOND ORDINANCE AUTHORIZING STREET IMPROVEMENTS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF \$180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$150,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

Summary: This ordinance appropriates \$180,000 for the paving of Summit Avenue, between High Mountain Road and Colonial Road. \$150,000 will be reimbursed through a State Municipal Aid grant.

WHEREAS, an ordinance 1568 was introduced at a meeting of the Mayor and Council held on the 21st day of May, 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 1568 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. 1568 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Council President Lota. 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 Councilmember Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

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

ORDINANCE 1569

**AN ORDINANCE AMENDING CHAPTER 89
“POLICE DEPARTMENT” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO INCREASE
THE NUMBER OF SERGEANTS PERMITTED**

Summary: This ordinance increases the number of Sergeants permitted in the Police Department from four to six.

WHEREAS, an ordinance 1569 was introduced at a meeting of the Mayor and Council held on the 21st day of May, 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 1569 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 Council President Lota to take up Ordinance No. 1569 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Ramsey. 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 Pedone, seconded by Council President Lota. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

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

APPOINTMENTS

Police Officer – James G. Economou

Police Officer – Dennis Hill

James G. Economou and Dennis Hill were sworn in by Mayor Bivona as Franklin Lakes Police Officers.

Motion to appoint James G. Economou and Dennis Hill as Police Officers was made by Councilmember Kahwaty, seconded by Councilmember Kelly.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Police Sergeants

The following people were sworn in as Sergeants of the Franklin Lakes Police Department by Mayor Bivona.

- Sergeant Anthony Pacelli
- Sergeant Jeffrey Jost
- Sergeant Andrew Cacciatore
- Sergeant Robert Lyon – To Be Effective September 1, 2013

Motion to appoint Anthony Pacelli, Jeffrey Jost, Andrew Cacciatore and Robert Lyon as Sergeants was made by Councilmember Kahwaty, seconded by Councilmember Kelly.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Police Dispatcher – Michael Pellgrino

Motion to appoint Michael Pellegrino as a Police Dispatcher was made by Councilmember Pedone, seconded by Council President Lota.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

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

No one from the public came forward at this time.

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

CONSENT RESOLUTION 168-13

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 169-13	Accept Report of the Finance Committee
Resolution 170-13	Professional Service Agreement - Concussion Testing
Resolution 171-13	2013-2014 Liquor License Renewal
Resolution 172-13	Award Contract DPW Uniforms
Resolution 173-13	Award Contract DPW Lights & Equipment
Resolution 174-13	Online Auctions - GovDeals

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

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

RESOLUTION

Resolution 175-13

Award Contract – Nature Preserve Floating Bridges

WHEREAS, by resolution adopted on October 16, 2012, the Mayor and Council awarded a contract for the construction and installation of two floating bridges at the Franklin Lakes Nature Preserve to Fox Hollow Enterprises for the proposal amount of \$34,300; and,

WHEREAS, the Borough Engineer has been informed by Fox Hollow Enterprises that the proposal was based on a mistake in interpreting the Borough's requirements, and that the total cost would be substantially higher for the bridges as per the Borough's requirements; and,

WHEREAS, the Borough Engineer has received new proposals for the construction and installation of the two floating bridges at the Preserve; and

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

WHEREAS, the Borough Engineer recommends that the Borough award a contract to KLC-Dock & Waterfront, 863 Mayapple Glen, Dawsonville, Georgia 30534, for the proposal amount of \$25,925; and,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that a contract for the construction and installation of two floating bridges be and is hereby awarded to KLC-Dock & Waterfront for the proposal amount of \$25,925; and,

BE IT FINALLY RESOLVED that 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.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Borough Administrator, Greg Hart, explained that the original proposal submitted was incorrect. New proposals were submitted and another proposal was received being approximately \$8,000 less. Councilmember Lambrix inquired about the time frame that the bridges would be installed. Mr. Hart explained that additional permits and clearing were

needed. There is no new time frame at this point. Councilmember Ramsey asked about the grant used and when it would be approved by the County Freeholders. Mr. Hart explained that what she was talking about was not regarding the floating bridges. Further conversation ensued regarding other borough projects.

Roll Call Vote:

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

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Lambrix and seconded by Council President Lota:

- May 7, 2013 Worksession
- May 7, 2013 Closed Session
- May 21, 2013 Regular Meeting
- May 21, 2013 Closed Session
- June 4, 2013 Special Meeting
- June 4, 2013 Closed Session

Roll Call Vote:

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

OLD BUSINESS

County Free Dispatch

Councilmember Lambrix wanted to know the follow-up in regards to the County Free Dispatch. Mr. Hart advised they are getting recommendations from Police, Fire and Ambulance Departments. He has only received information from the Police Department. Discussions at the County level have not gone further.

Deer Control

Councilmember Lambrix wanted follow-up on the deer control issue. Mayor Bivona reported that he has spoken to the County regarding other types of wild life in the past. They do have programs to institute hunts pending their approval. The Mayor does not believe the Borough would meet their guidelines especially in regards to property size. Mr. Hart said we could reach out to the DEP to see if they could do a study.

At this time, discussion ensued regarding a deer fence on Scioto Drive. Mr. Hart was not aware of the deer fence or enforcement action regarding Scioto Drive. He will follow-up with the Zoning Department.

Mayor Bivona personally does not agree with any type of hunt on Borough-owned property or private property. Councilmember Ramsey feels the same.

NEW BUSINESS

Facilities Use Requests

Greg advised the Council about facilities use requests by Wayne Christian Assembly for a church picnic and the Triple Crown Sports 3-day baseball tournament. Councilwoman Ramsey was surprised that these requests are being considered since they were trying to steer the other way. Councilman Lambrix agreed but said that it appears we already made a commitment. Mayor Bivona said this was similar to last year when we agreed to let people use McBride field. Greg Hart said the church has been having their picnic at Munifield for the last 20 years. Mayor Bivona said that we are trying to preserve the fields for the residents. Borough Attorney Smith said that you would have to keep in mind that there are Green Acres rules that must be followed on some fields. Mayor Bivona said that we just need to enforce the Ordinance that we have in place.

Policy for Purchasing from Employee Entities

Councilmember Lota wanted to revisit this policy which was set in 2011. This has come up on multiple occasions with the Ambulance Corp. wondering why they need to get three (3) quotes on an item that is under \$100 dollars. It takes them more time to get proposals and most companies do not want to submit a quote for something so low. Council President Lota wanted to see if this could be modified. Mayor Bivona questioned how many purchases were made from this vendor. Greg Hart said that accumulatively it's well over \$10,000. Council President Lota asked if that was every year. Greg Hart said over the last few years.

Councilmember Lambrix asked for some background information regarding our current resolution. Greg Hart gave him the background information.

Council President Lota explained that just to get a pager fixed took a process and she just wants to find a quicker way to get items fixed when it's only \$100 dollars.

Councilmember Lambrix asked if an RFP for services could be done in the beginning of the year. Greg Hart said that it's too diverse and complicated.

Council President Lota said it's frustrating to the volunteer officers to have to go through a process when they just want to get it fixed. They are volunteer EMTs who work full time too. They don't have the time to do this. They are saying that the Borough has salaried people who should be doing this. They are volunteer EMTs not purchasing agents. They will tell them what they need and the Borough can get the three bids.

Councilmember Lambrix asked if we know what other towns do with purchasing from employees. Mr. Hart said he does not know what other towns do.

Council President Lota said the real issue is that the volunteers do not have the time get proposals. Borough Attorney Smith said a Borough employee should do it. Greg Hart explained there is no position in the Borough that does something like that. He is the Purchasing Agent but that does not mean he collects proposals for specific equipment. He further explained that the people who are most familiar with the item needed should be seeking proposals and that is what happens within the departments of the Borough.

Councilmember Kahwaty asked if we could see what other towns are doing.

Mayor Bivona suggested that we talk to 10-75 Emergency Lighting, LLC and see if they can get some prices that could be approved in the beginning of the year. Attorney Smith said that we would have to go out to bid on the list of services in the beginning of the year.

Councilmember Ramsey said she does not think we should conduct business with a Borough employee's private business. Councilmember Pedone said you could go a step further and include the Mayor and members of the Council.

Council President Lota said she will communicate with the Ambulance Corp. Mr. Hart will find out what other towns are doing.

School Funding Issue

Borough Attorney Smith said that Vito Gagliardi would like to come to discuss the school funding issue at the July 2nd meeting. Mayor Bivona suggested that on July 2nd we start the meeting at 7:00 PM in closed and then go right into open session at 7:30 PM.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1570 for Introduction, and direct the Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1570

AN ORDINANCE AMENDING CHAPTER 107 “RECREATION AND PARKS DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND CERTAIN PROVISIONS RELATING TO REPEATED VIOLATIONS OF CODE OF CONDUCT AND TO REQUIRE RUTGERS UNIVERSITY ATHLETIC SAFETY CERTIFICATION

WHEREAS, Ordinance 1570 was introduced at a meeting of the Mayor and Council held on the 18th day of June, 2013;

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 1570 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1570 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 16th day of July 2013 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 1570; 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 Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mayor Bivona clarified the Ordinance to Councilmember Lambrix.

Roll Call Vote:

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

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, June 18, 2013 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following: Closed meeting issues:

- Contractual – McCoy Road Property
- Tax Appeal Settlement – 907 Scioto Drive

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 was made by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made at 10:00 P.M. by Councilmember Pedone, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 169-13 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 \$459,542.28 as shown on the Claims Bill List; \$ 0.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 170-13 Professional Service Agreement - Concussion Testing

WHEREAS, the Borough of Franklin Lakes has a need to acquire IMPACT testing (concussion testing) as a professional service pursuant to the provisions of N.J.S.A. 40A:11-5, and,

WHEREAS, the term of this proposed contract is one year; and,

WHEREAS, the cost of these services shall not exceed \$17,500 and therefore "Pay to Play" requirements do not apply; and,

WHEREAS, New Jersey Pediatric Neuroscience Institute (NJPNI) 131 Madison Avenue, Suite 140 Morristown, New Jersey 07960 has submitted a proposal indicating they will provide concussion testing for \$25 per test, for a total estimated amount of \$5,750, and,

WHEREAS, 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; and,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes authorizes the Borough Administrator to enter into a contract with New Jersey Pediatric Neuroscience Institute for concussion testing for \$25 per test, for a total estimated amount of \$5,750; and,

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within 10 days after passage hereof.

Resolution 171-13 2013-2014 Liquor License Renewal

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes approve the following A.B.C. Licenses for 2013-2014:

Franklin Lakes Indian Trail Club, Inc., 830 Franklin Lake Road
Lic. # 0220-33-002-001 at a fee of \$1,944.00

The Mountain Club, Inc., 845 Ewing Avenue
Lic. # 0220-33-006-001 at a fee of \$1,944.00

Endless Vine, LLC, 823 Franklin Lake Road
Lic. # 0220-33-001-006 at a fee of \$1,944.00

Vishant, Inc., 799 Franklin Avenue
Lic. # 0220-44-003-005 at a fee of \$1,944.00

Resolution 172-13 Award Contract DPW Uniforms

WHEREAS, the Borough of Franklin Lakes received three (3) proposals on for Department of Public Works Uniform Rentals; and

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

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

1. American Wear, 261 North 18th Street, East Orange, NJ 07017 is hereby awarded a one year contract in the amount of \$5,980.00
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 173-13 Award Contract DPW Lights & Equipment

WHEREAS, the Superintendent of Public Works received three proposals for sound off signal lights, law 4 input connector w/wiring harness and golight wireless spotlights; 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 \$1,353.92.
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 174-13 Online Auctions - GovDeals

WHEREAS pursuant to N.J.S.A. 40A:11-36 and Local Finance Notice 2008-9, the Mayor and Council of the Borough of Franklin Lakes is desirous of selling the vehicles and items listed below by online auction;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, the items listed below are hereby authorized to be sold at an online auction to be held on GovDeals:

- 1990 International 4800 VIN# 1HTSETVN0LH254607 dump truck
- 2003 Chevy Impala VIN# 2G1WF55K039282062

BE IT FURTHER RESOLVED that the items are no longer needed for public use; and,

BE IT FURTHER RESOLVED that the sale will be held on GovDeals, at www.govdeals.com; and,

BE IT FURTHER RESOLVED that the sale is being conducted pursuant to Local Finance Notice 2008-9; and,

BE IT FINALLY RESOLVED that the terms and conditions of the agreement entered into with the vendor are available on the vendor's website and available in the office of the Borough Clerk.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally T. Bleeker". The signature is written in a cursive, flowing style.

Sally T. Bleeker, Borough Clerk