

**MEETING OF THE MAYOR AND COUNCIL
AUGUST 6, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on August 6, 2013 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

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

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

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENT

- **Electrical Inspector – Michael Heflich**

Mr. Hart stated that this position is both temporary and part time which will help to bring the Borough up to date with electrical inspections. The position calls for no more than six hours per week until the situation is remedied. Councilman Kahwaty made a motion to appoint Michael Heflich as temporary Electrical Inspector. Councilmember Kelly seconded the motion. Discussion – none.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, and Ramsey

Nays:

Absent: Lota and Pedone

Abstain:

Motion Approved

Recreation Director

The Council will discuss this appointment in Closed Session this evening.

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Lambrix, seconded by Councilperson Ramsey. Discussion – none.

Joseph Kayal, 812 Tequesta Drive, spoke regarding ordinance 1571 which pertains to rentals of Borough Public Buildings. He said that he and his wife founded the Franklin Lakes Tea Party which meets monthly in the Ambulance Corps Building. The proposed ordinance specifies that the building be used by residents of Franklin Lakes and Mr. Kayal asked if he would be required to provide a list of attendees and their addresses to the town.

Councilperson Lambrix explained that these are municipal buildings which should be for the specific use of Franklin Lakes' residents. Mayor Bivona said that the Council wants

to make sure the building is used by non-profits and residents and they have no intention of obtaining information about members of the various groups using the buildings. They are also focusing on keeping the building maintained. Mr. Kayal noted that the ordinance states that the \$50 fee could be waived and he noted that typically only takes in \$35 at a single meeting. Mayor Bivona pointed out that there will be a public hearing on August 20th, however, Mr. Kayal will be out of town at that time. Mr. Kayal said he would prefer that the fee be waived.

Mr. Hart explained that the ordinance states that the majority of people attending these meetings must be residents and a certification might be required. A written request for the waiving of the fee explaining the justification should be submitted to the Mayor and Council.

Laurie Burnette, 860 Woodfield Road, thanked Mayor Bivona for his efforts on behalf of Special Needs Housing Development. Mayor Bivona said that Council will be discussing the award of the bid to the developer in Closed Session later tonight. Council subcommittees have met with various parties on several occasions and have conducted site visits; however, he doesn't know if there will be a decision tonight. The Council must consider the trade-off between funding and flexibility but Mayor Bivona believes there will be a great product at the end of the process.

Mayor Bivona said that over 140 responses have been received relative to the survey on the traffic circle at High Mountain Road. This is a safety issue and responses appear to be emotional and are divided 50-50. The Council is not close to a decision, however, Mr. Hart said he was pleased to receive so much meaningful input. Mayor Bivona stated that the question was whether to remove the circle at High Mountain Road and install a traffic light. He reminded everyone that this is a county road and it would ultimately be the decision of the County. He thinks that this is a speed and a confusion issue and when people don't stop accidents happen.

No one else from the public came forward and a motion to close the time for public comment was made by Councilperson Kahwaty. Seconded by Councilperson Lambrix. Discussion – none.

BOROUGH ENGINEER'S REPORT

- **Status Report**

Eileen Boland of Boswell Engineering reported that since the Engineering Status Report was completed, bids have been received for the improvements to Summit Avenue. The low bidder was Tilcon at \$134,545. Boswell's estimate was close to \$150,000. The Department of Transportation (DOT) will also pay for some of the inspection fees. Mr. Hart questioned the funding and Ms. Boland said that this had been discussed and there was money available. Mr. Hart checked and found that the Borough had appropriated \$180,000 and the contractor award will be listed for August 20th.

Councilperson Lambrix referred to the culvert replacement behind the Municipal Building and asked what is needed from the Mayor and Council. Ms. Boland said that Boswell Engineering needs confirmation that the money has been appropriated. Mr. Hart explained that this refers to the capital ordinance which is scheduled for adoption on August 20th. This is an emergency provision that can be done without going through the formal bid process.

There was a discussion on the paving of Pulis Avenue which will be completed after the sewer work is finished. The Borough has been pressing to get the work done on Franklin Avenue, Pulis Avenue and DeKorte Drive before school starts. Paving by the County should be complete by the end of the year. Ms. Boland stated that United Water has agreed to paving on Wyandotte Drive, however, the paving will end at the Indian Trail entrance. Mr. Hart reported that the water main work on Shadow Ridge Road is running ahead of schedule and workers should have the work completed in about two weeks.

Regarding McBride Field, Mayor Bivona said that the field is being marked to allow for soccer games. The field is being staked out for tree planting as well as picnic tables, etc. Ms. Boland commented that there is not enough room for two smaller soccer fields at this location. Mayor Bivona will get a copy of the plan of the field to Councilmembers.

The Council discussed the Emergency Services Building and Mr. Hart stated that there is an estimate from an architect in the amount of \$28,000. Ms. Boland said they need an idea of the scope of the project in order for the Council to come to a decision on the direction of the project. There are also environmental conditions to consider.

Mr. Hart stated that United Water wants to place a transfer switch for their generator on Old Shadow Ridge Road. Councilmember Ramsey questioned whether or not United Water had a utility easement on this area of property. Mr. Smith, the Borough Attorney, recommended that the Mayor and Council review this request. Mr. Hart described the switch as being housed in a 4 ft. high by 3 ft. wide by 1 ½ ft. deep cabinet. He added that there may be some urgency involved with the transfer switch and he asked if he could work with the Buildings and Grounds Committee to discuss the location of the box and the appropriate screening.

Councilmember Ramsey spoke about a connector that United Water installed in front of High Mountain Road School. The installation of a large white box type structure was approved by the school. Ms. Boland said that the Engineering Department was aware of the structure but she is not sure if it had to be approved by the Building Department. She will check into this because the structure is located in the right-of-way and would require approval by the Mayor and Council.

Upon questioning by Mayor Bivona, Ms. Boland stated that the floating bridges at the Nature Preserve are scheduled for delivery on August 19th. Mr. Hart reported that the grant for the ADA accessible doors for the Fire House had been approved.

**RESOLUTION 204-13
CONSENT AGENDA RESOLUTION**

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.

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| Resolution 205-13 | Accept Report of Finance Committee |
| Resolution 206-13 | Authorize Capital Alternatives Corp. to Apply for DOT Grant |
| Resolution 207-13 | Authorize Advertisement for Bids - Snowplowing |
| Resolution 208-13 | Authorize Advertisement for Bids – Cleaning |
| Resolution 209-13 | Capital Budget Amendment |
| Resolution 210-13 | Agreement – 2012 Bergen County Open Space |
| Resolution 211-13 | Approve Extension for Tax Bill Grace Period |

Resolution introduced by Councilperson Kahwaty. Seconded by Councilperson Lambrix. Discussion – Mr. Hart pointed out that several significant items had been added to the report of the Finance Committee including \$2 million for the purchase of property on McCoy Road and \$3,000 for closing costs.

Roll Call Vote

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

RESOLUTION

There were no resolutions at tonight's meeting.

MAYOR'S REPORT

Mayor Bivona reported that the Half Marathon is scheduled for September 29th and it will be organized and coordinated by the YMCA. The route has been finalized and the event is an expansion of the Mayor's Wellness Program. The Borough hopes to obtain funding under the Healthy Communities Initiative and will continue to take advantage of these opportunities. He stated that Ramsey Outdoor Store has agreed to work with the Borough to set up a demonstration day at the Nature Preserve for kayaking and paddle boarding. This event will take place in late September. Mayor Bivona stressed the importance of promoting the Borough's Wellness Plan which he hopes will get everyone outside and moving.

COMMITTEE/LIAISON REPORTS

PLANNING AND DEVELOPMENT

Councilmember Kahwaty reported on the presentation by Beth McManus, the Borough Planner, on the Franklin Avenue Business District Re-development Plan. She presented some interesting ideas for consideration including the installation of sidewalks which would have to be supported by the business owners. Mayor Bivona said that the presentation consisted of recommendations and it is up to the Mayor and Council to act on these recommendations. He added that the Council cannot compel business owners to act on any of these suggestions and he hopes the report hasn't raised residents' expectations relative to the business district. Councilmember Lambrix suggested that they have a meeting whereby property owners could state their views about what they want to see in the downtown to the Mayor and Council. Councilmember Ramsey said that the town center should be a destination and not just a pass through for Route 208. After more discussion, Mayor Bivona said he will set up a meeting with property owners in the limited business district on Franklin Avenue.

Councilmember Kahwaty spoke about the Developers Agreement for RCP Birch Road which needs the approval of the Mayor and Council. There has been a request for approval of a Hold Harmless Agreement for 760 Peach Tree as well as an Agreement with Rockland Electric Company for a GIS System. Councilmember Kahwaty asked that the Mayor and Council grant unanimous approval for these agreements. Mayor Bivona explained the situation surrounding the RCP Birch Road Development and said that the property has changed owners several times which presents another set of issues. Mr. Smith pointed out that the new owner accepts all the conditions imposed on the prior developer, however, Mayor Bivona noted that the new owners are within their rights to make changes. The discussion continued and the Mayor and Council agreed to list the three agreements for approval at the meeting on August 20th.

RECREATION AND PARKS

Councilmember Lambrix spoke about the appointment of the new Recreation Director which will be held in Closed Session.

PUBLIC SAFETY

Councilperson Ramsey announced that a new officer is on duty. Mr. Hart stated that the Police Chief is asking that Officer Knubel be appointed to Traffic Officer on August 20th. Councilmember Ramsey said that Bill Cook has retired and Officer Lyons has been moved in that squad. There will be a proclamation recognizing Officer Cook on his retirement.

Mayor Bivona reported on the Safe Streets Program. He said that it has raised awareness and is having an impact even through some people continue to speed. North Haledon is

attempting to lower the speed on High Mountain Road and Mayor George (North Haledon) is asking for the support of Franklin Lakes on this measure.

Mayor Bivona stated that the eight candidates involved in the School Board Elections met recently and discussed efforts aimed at limiting the number of campaign signs. He stated that it will be difficult to enforce the exact wording of the ordinance; however, the Borough is going to do its best to keep signs out of public property areas. There is an ordinance governing signs on public property and there will be a campaign to raise awareness over what is allowable in the Borough. He reminded everyone that the ordinance will be policed.

ADMINISTRATION AND FINANCE

2012 Corrective Action Plan

Councilmember Lambrix stated that everyone should have received an audit report which is prepared each year. There are several recommendations for the year ending December 31, 2012 and Mr. Hart stated that the CFO has responded to each of the audit recommendations. There will be a resolution approving the corrective action plan and audit report listed on the agenda for August 20th. Each Councilmember must sign an affidavit stating that they have reviewed the recommendations.

PUBLIC WORKS

Councilmember Ramsey stated that work continues on the storm drains and the ramps to Route 208 have been cleaned. The problem with vines growing over street signs continues and Mr. Hart said that he would call DOT about this issue.

ENVIRONMENTAL AND COMMUNITY AFFAIRS

Highlands Protection Act

Mr. Hart stated that it was decided to seek input from the Environmental Commission after last month's meeting. The Commission indicated that they are generally supportive of the Act because it protects surface water. Mayor Bivona asked Councilmembers for their opinion as to whether or not to support the resolution requesting additional funding for the Act. The question is whether the Highlands Act is beneficial to Franklin Lakes and would development in the Highlands hurt the Borough. After further discussion, the Council decided to list the matter controlling development in the Highlands region on the consent agenda for August 20th.

Bergen County Open Space Representatives

Bergen County Community Development Representatives

Mr. Hart explained that these are two annual appointments for Bergen County Open Space which becomes effective on July 1st. For Bergen County Open Space, Councilmembers selected Mr. Hart with Mayor Bivona as the alternate. Last year Mr. Hart was the Mayor's appointee with Councilmember Ramsey chosen by the Council with Councilmember Pedone as the alternate. Councilmember Kahwaty was selected as the alternate for this position for this time period.

Bergen County Open Space Application

Mr. Hart explained that there is a deadline of August 29, 2013 to submit a grant application to the County and he asked Councilmembers for suggestions. He added that the obvious choices would be the Nature Preserve Accessible Trail project along with Improvements at McBride Field which could probably be covered by the Tree Escrow. Councilmembers indicated that they are in favor of the Nature Preserve Accessible Trail. Mr. Hart said that the approval of the application would be listed for the August 20th meeting.

BOROUGH ADMINISTRATOR'S REPORT

Regarding cleaning services, Mr. Hart said that they plan to open bids before the end of the month. The bid will be awarded at the September 3, 2013 Mayor and Council meeting. A bid for interim services was received by a former service, Prem Cleaning; however, they withdrew their bid because the contract was for too short a time period. He anticipates another bid for interim services and he hopes to have a more permanent solution in the very near future. Councilmember Ramsey noted the implications involved with seasonal cleaning.

OLD BUSINESS

Councilmember Lambrix referred to the ordinance for building usage and he asked for comments on the fees charged to the various groups. Mayor Bivona commented that user fees are charged for certain services offered by the town such as the Building Department, Parks and Recreation Department, etc. and this is done in order to charge specific users rather than the general population. These charges are for the use of specific facilities and in the case of a Borough owned building the cost of utilities, etc. have to be covered. The fee will limit the use and compensate the Borough for some percentage of the cost. Councilmember Kahwaty noted that there is a justifiable hardship waiver application which is available to any organization who wishes to submit the necessary paperwork in order to use the building. Councilmember Kelly said that the fees charged reminds the group to be more careful when occupying the building and instills a sense of responsibly.

Councilman Lambrix reminded everyone of Oktoberfest on October 19th. Mayor Bivona stated that Mr. Hart will distribute a package containing promotions and marketing tools for the event. He asked Councilmembers to do as much as they can to market the event and solicit sponsorship in support of the Borough. People must understand that tax dollars are no longer enough to do major renovations of a capital nature. Mr. Hart added that all residents will receive information in the mail and printing costs were donated by Dial America.

NEW BUSINESS

Councilmember Ramsey thanked Mr. Hart for having her volunteer to work on the history video. This will soon be available on the website. Councilmember Ramsey asked if the Council would support putting a school bell between the Handicapped Sidewalk and the Rose Garden in front of Borough Hall. Donations from the Historical Society would be used to fund the display. Councilmembers agreed that this was a good idea.

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 Tuesday, August 6, 2013 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Tax Appeal – Steliga
- Litigation – Pawnee LLC
- Personnel – Recreation Director
- Contractual – Recreation Center
- Contractual – Special Needs Housing
 - Alpert Group Time Table
 - Alpert Group Proposal
 - United Way Memo
 - United Way Proposal
- Anticipated Litigation – School Funding Formula

- Tax Appeal – Habicht
- Litigation - Decker

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 Councilperson Kahwaty, seconded by Councilperson Pedone at 9:25 P.M to enter into closed session. Discussion – None.

Roll Call Vote

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

At 10:50, the Borough Council returned from Closed Session.

Councilperson Pedone made a motion to appoint Jason Robinson as Recreation Director at a salary of \$65,000 subject to the following conditions: criminal history, background check, providing him with a copy of the purchasing policy, agreement to adhere to the policies. This is a full time position with benefits pro-rated, to start as soon as feasible. Councilmember Lambrix seconded the motion. Discussion – Councilmember Lambrix advised the Council to hold firm on the salary offered to Mr. Robinson. Councilmember Ramsey asked Mr. Hart to clarify the relationship Mr. Robinson has with the concussion testing company.

Roll Call Vote

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

ADJOURNMENT

Motion by Councilperson Lambrix to adjourn the meeting at 10:25 P.M. Councilmember Kahwaty seconded the motion.

Roll Call Vote

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

Resolution 205-13

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 \$8,659,977.42 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.

BE IT FURTHER RESOLVED, that the payroll of July 4, 2013 in the amount of \$237,207.94, the payroll of July 18, 2013 in the amount of \$238,144.20 be hereby ratified and approved.

Resolution 206-13

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) Huron Avenue Rehab

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).

Resolution 207-13

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator is hereby authorized to advertise for Snowplowing Services.

Resolution 208-13

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator is hereby authorized to advertise for Cleaning Services for Borough Buildings.

Resolution 209-13

Capital Budget Amendment, this resolution can be found at the end of the agenda

RESOLUTION 210-13

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes wish to enter into a great agreement with the County of Bergen for the purpose of using a \$95,000.00 grant award from the 2012 Funding Round of the Bergen County Open Space Recreation, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the project entitled Recreation Center Basketball/Parking Lot Improvements located on Vichiconti Way on the tax maps of the Borough of Franklin Lakes.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Gregory C. Hart, Borough Administrator to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Gregory C. Hart, Borough Administrator sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Franklin Lakes is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund’s requirements;

This resolution was adopted by the Mayor and Council of the Borough of Franklin Lakes at the meeting of August 6, 2013.

RESOLUTION 211-13

TAX BILL EXTENSION

WHEREAS, tax bills are expected to be mailed on or about August 1, 2013; and,

WHEREAS, per N.J.S.A. 54:4-66, et seq., no interest is to be charged up to the 25th calendar day after the date the tax bill was mailed; and,

WHEREAS, the Mayor and Council wished to extend the grace period to the 30th calendar day after the date of the tax bill was mailed, which shall be August 30, 2013;

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 grace period for the payment of 3rd quarter taxes for 2013 be and is hereby extended to August 30, 2013.

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