

**MEETING OF THE MAYOR AND COUNCIL  
SEPTEMBER 17, 2013  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, September 17, 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 and Councilmember Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney William T. Smith and Borough Clerk Sally Bleeker. Absent was Councilmember Pedone.

**SUNSHINE LAW STATEMENT**

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

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**APPOINTMENT**

**Rob Miller – Recreation Committee** – Unexpired term to end 12/31/2015

Motion to appointment Rob Miller to the Recreation Committee for an unexpired term ending December 31, 2015 was made by Councilmember Ramsey, seconded by Councilmember Kelly. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**ORDINANCES FOR FINAL READING AND ADOPTION**

**ORDINANCE 1571-R**

**AN ORDINANCE SUPPLEMENTING CHAPTER 356  
“PARKS AND PUBLIC LANDS” OF THE CODE OF THE  
BOROUGH OF FRANKLIN LAKES TO INCLUDE  
POLICIES ON USE OF BOROUGH BUILDINGS**

*Summary – This ordinance will establish regulations for use by groups of the Borough Hall, Ambulance Corps and Firehouses.*

**WHEREAS**, an ordinance 1571-R was introduced at a meeting of the Mayor and Council held on the 3rd day of September, 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 1571-R 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. 1571-R 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 Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

Laurie Burnette – 860 Woodfield Road. Mrs. Burnette came forward to ask when the Ordinance would take effect. Borough Administrator, Greg Hart, advised upon publication which would be Friday, September 20<sup>th</sup>.

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

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Jane Pullaro – 886 Iron Latch Road. Mrs. Pullaro came forward asking if the entire revised Ordinance would be read. Mayor Bivona read the change under the fee section which exempted 501(c) 3 organizations from the \$50.00 fee.

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

**CONSENT RESOLUTION 237-13**

**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 238-13 Accept Report of the Finance Committee
- Resolution 239-13 Stipulation of Settlement – Garrambone
- Resolution 240-13 Stipulation of Settlement – Holloschutz
- Resolution 241-13 Stipulation of Settlement – Steliga
- Resolution 242-13 Award Contract – Playground Equipment

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone  
Motion Approved.

## RESOLUTION

### Resolution 243-13 Award Contract – Cleaning of Borough Buildings

**WHEREAS**, the Borough of Franklin Lakes advertised for and opened bids on August 29, 2013 for Cleaning Services at Municipal Buildings; and,

**WHEREAS**, the Mayor and Council wish to award this contract to the lowest responsible bidder; and,

**WHEREAS**, five (5) companies submitted a bid for Cleaning Services at Municipal Buildings; and,

**WHEREAS**, the Administrator has reviewed the bids submitted and has determined that the bids meet the specifications;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that Magic Touch Multi Services Corp., 410 Hamilton Street, Harrison, NJ 07029, is hereby awarded a contract for Cleaning Services at Municipal Buildings for the period from September 30, 2013 to September 29, 2014, with a Borough option for two additional one year periods, for the total base bid amount of \$1,491.66 per month, in accordance with the bid specifications, subject to review of the bid submission by the Borough Attorney and submission of proof of insurance coverage in accordance with bid specifications; and,

**BE IT FURTHER RESOLVED** that the Borough's contract with Maverick Building Services, Inc., be and is hereby terminated for failing to provide services in accordance with contractual requirements, effective September 29, 2013; and,

**BE IT FURTHER RESOLVED** that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract; and,

**BE IT FINALLY RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Borough Administrator, Greg Hart, explained there were 5 bids submitted and this bid was much lower than the others. He advised that references were checked and the Borough was waiting for insurance compliance. The new cleaning company will begin September 30<sup>th</sup>.

At this time the resolution was amended to include the language of terminating the current cleaning company Maverick Building Services, for failure to provide services.

The Resolution was accepted, as amended, by Councilmember Kahwaty, and seconded by Councilmember Kelly.

#### Roll Call Vote:

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

## **ACTION ON MINUTES**

Motion to accept the minutes was made by Councilmember Lambrix and seconded by Councilmember Ramsey:

- August 6, 2013 Worksession
- August 6, 2013 Closed
- August 20, 2013 Closed
- August 20, 2013 Regular
- September 3, 2013 Closed

### Roll Call Vote:

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

Nays:

Abstain: Lambrix – August 20, 2013 Closed, August 20, 2013 Regular; Lota – August 6, 2013 Worksession, August 6, 2013 Closed

Absent: Pedone

Motion Approved.

## **OLD BUSINESS**

### Town Fair

Councilmember Lambrix asked about the Town Fair. Mayor Bivona advised that the booths are sold out. He also advised that the amusement rides and band were on Friday night and the vendor booths, along with the rides, will be open on Saturday.

### Youth Biathlon

Mayor Bivona also advised that Saturday morning the Youth Biathlon will also take place as part of the Mayor's Wellness campaign. The Indian Trail Club, the Wyckoff YMCA and Franklin Lakes Recreation all joined together. The event is completely on the Indian Trail Club property.

### Franklin Lakes Nature Preserve Event – Hosted by Ramsey Outdoor

Mayor Bivona also talked about the paddling boarding, kayak and canoeing event that took place at the Franklin Lakes Nature Preserve on Sunday, September 15<sup>th</sup>. He thanked Ramsey Outdoor and the Franklin Lakes Volunteer Fire Department for coming out with their special boat ensuring everyone's safety.

## **NEW BUSINESS**

### Recreation Committee Meeting Update

Councilmember Kelly reported that while at the Recreation Committee meeting the night before, Jason Robinson, the Recreation Director, recommended coming up with some guidelines on bullying for the children.

## **INTRODUCTION OF ORDINANCES ON FIRST READING**

Move to take up consideration of Ordinance 1574 for Introduction, and direct the Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

### **ORDINANCE 1574**

#### **AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 107 “RECREATION AND PARKS DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES PERTAINING TO CRIMINAL HISTORY BACKROGROUND CHECKS AND SAFETY CERTIFICATIONS**

**WHEREAS**, Ordinance 1574 was introduced at a meeting of the Mayor and Council held on the 17th day of September, 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 1574 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1574 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of October 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 1574; 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 – Borough Administrator, Mr. Hart explained the amendments to the Ordinance.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey  
Nays:  
Abstain:  
Absent: Pedone  
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, September 17, 2013 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Commorata Property Exchange Proposal

**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 Council President Lota, seconded by Councilmember Kelly. On voice vote, all in favor.

Upon returning from Closed Session, Mayor Bivona reported that there was a meeting at the Circle with the Bergen County Engineer, the Borough's Traffic Officer Denny Knubel, the Borough's DPW Superintendent Brian Peterson, the Borough's Engineer, Councilmember Ramsey and Greg Hart to observe the traffic. There is a recommendation that the Circle be turned into a "true" circle with a four way yield to the cars inside the circle. This will be discussed further at the Mayor and Council Work Session meeting on October 1, 2013.

**ADJOURNMENT**

Motion to adjourn the meeting was made at 8:40 p.m. by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

**Resolution 238-13 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 \$346,807.73 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 239-13 Stipulation of Settlement – Garrambone**

**WHEREAS**, an appeal of the tax assessment for the years 2012 and 2013 have been filed for the following property; and

Block: 1207  
Lot: 7  
Street Address: 380 Crescent Drive  
Owner: Garrambone, Peter L., Jr. and Jane E.

**WHEREAS**, an adjustment in the assessed value of the above property has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments:

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 862,100.00	\$ 862,100.00
Improvements	\$1,979,500.00	\$1,887,900.00
Total	\$2,841,600.00	\$2,750,000.00

**Tax Year: 2013**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 862,100.00	\$ 862,100.00
Improvements	\$1,979,500.00	\$1,887,900.00
Total	\$2,841,600.00	\$2,750,000.00

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

**Resolution 240-13 Stipulation of Settlement – Holloschutz**

**WHEREAS**, an appeal of the tax assessment for the years 2012 and 2013 have been filed for the following property; and

Block: 1106.6  
Lot: 6  
Street Address: 12 Shinnecock Trail  
Owner: Holloschutz, Joseph and Vanessa

**WHEREAS**, an adjustment in the assessed value of the above property has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of

Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments:

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 688,000	\$ 688,000
Improvements	\$1,387,700	\$1,262,000
Total	\$2,075,700	\$1,950,000

**Tax Year: 2013**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 688,000	\$ 688,000
Improvements	\$1,387,700	\$1,262,000
Total	\$2,075,700	\$1,950,000

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

**Resolution 241-13 Stipulation of Settlement – Steliga**

**WHEREAS**, an appeal of the tax assessment for the years 2010, 2011, 2012, and 2013 has been filed for the following property; and

Block: 1404.01  
 Lot: 2  
 Street Address: 563 Commerce Street  
 Owner: Joseph Steliga

**WHEREAS**, an adjustment in the assessed value of the above property has been recommended by the tax assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

**Tax Year: 2010 – Withdrawn**

**Tax Year: 2011**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,382,000	\$1,382,000
Improvements	\$2,754,900	\$2,553,250
Total	\$4,136,900	\$3,935,250

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,382,000	\$1,382,000
Improvements	\$2,754,900	\$2,221,000

Total	\$4,136,900	\$3,603,000
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**Tax Year: 2013**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,382,000	\$1,382,000
Improvements	\$2,754,900	\$2,221,000
Total	\$4,136,900	\$3,603,000

**Resolution 242-13 Award Contract – Playground Equipment**

**WHEREAS**, the Borough of Franklin Lakes received three (3) proposals for Tree House Playground equipment for the Municipal Playground located behind the Municipal Building; and

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

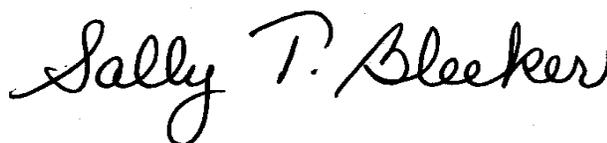
**WHEREAS**, the Administrator has reviewed the proposals submitted and has determined that the proposal meets the specifications.

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

1. George Ely Associates, Inc. 637 Wyckoff Avenue Suite 214, Wyckoff, NJ 07481 is hereby awarded a contract in the amount of \$10,372.00 which includes the equipment, installation and delivery.
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.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk