

**MEETING OF THE MAYOR AND COUNCIL  
MARCH 18, 2014  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on March 18, 2014 in the Municipal Building.

**MEETING CALLED TO ORDER**

**ROLL CALL**

The following Council Members and Professionals responded to the roll call: Mayor Bivona, Councilperson Cadicina, Councilperson Kahwaty, Councilperson Kelly, Councilperson Lambrix, Council President Ramsey and Councilperson Swist. 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**

**PRESENTATION**

**Eagle Scout – Muni Field Bocce Court**

Mayor Bivona introduced Eagle Scout, Bruce Haywood, who described his proposal. Mr. Haywood spoke about the installation of a 13 foot by 17 foot bocce court to be located near the playground behind Borough Hall on the Municipal Field. He hopes to begin construction on April 4<sup>th</sup> and have the project completed in early May. Mr. Haywood has been soliciting donations in order to raise the \$1,500.00 needed for the bocce court. Mr. Dressler, the Borough Construction Official, has helped with the construction process as well as putting him in contact with people who could help with the fund-raising. Mr. Hart said that the Borough would put an article in the e-blast with information relative to donations for the project. Mr. Haywood commented that he was fortunate to have family members and about 40 others who have volunteered to help with the construction of the bocce court. Mayor Bivona thanked Mr. Haywood for his efforts on what will be a great asset to the Borough.

**Eagle Scout – Franklin Lakes Nature Preserve Project**

Brian Brevdeh, another Eagle Scout, presented his proposal to create a bridge and two benches at the Franklin Lakes Nature Preserve. There is a drainage issue in the area of High Mountain Road and Mr. Brevdeh will clear this area of debris which will help with the natural flow of water into the reservoir. He proposes a bridge in a ditch area which will help alleviate what he sees as a safety hazard. The benches are to be built with pressure treated wood and will be placed in the two areas with exceptional views of the woods. Mr. Brevdeh will ask for donations to fund his proposal and Mayor Bivona reiterated the offer to publicize this project in a Borough e-blast. Mayor Bivona thanked Mr. Brevdeh for his proposal which will further to the enjoyment of people visiting the Nature Preserve.

**APPOINTMENT**

**Nicola Touma – Junior Firefighter**

Councilperson Kahwaty made a motion to approve the appointment of Nicola Touma as Junior Firefighter, seconded by Councilperson Kelly.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved

Mayor Bivona swore in Nicola Touma as Junior Firefighter in the Franklin Lakes Volunteer Fire Department.

**ORDINANCES FOR FINAL READING AND ADOPTION**

**ORDINANCE 1582  
AN ORDINANCE SUPPLEMENTING CHAPTER 300  
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE  
BOROUGH OF FRANKLIN LAKES TO PROHIBIT DANGEROUS FENCES**

*Summary – This ordinance would prospectively prohibit fences with spikes or constructed in any manner which creates a danger to animals or persons.*

**WHEREAS**, Ordinance 1582 was introduced at a meeting of the Mayor and Council held on the 18<sup>th</sup> day of February, 2014 and duly published by law; and,

**WHEREAS**, said ordinance was referred to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-26; and,

**WHEREAS**, the Planning Board recommended certain revisions as set forth in a letter from the Planning Board Attorney dated February 20, 2014; and,

**WHEREAS**, the recommended revisions have been discussed by the Mayor and Council and the Mayor and Council have determined that these revisions are not necessary or appropriate;

**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 1582 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 to take up Ordinance 1582 for consideration of adoption on second and final reading, and to direct the Clerk to read by title was made by Councilperson Swist. Seconded by Councilperson Kelly. All ayes. Discussion – none.

The Clerk read Ordinance 1582 by title.

Motion to open the public hearing on Ordinance 1582 was made by Councilperson Kahwaty. Seconded by Councilperson Cadicina. All ayes. No one from the public came forward to comment.

Motion to close the time for public comment was made by Councilperson Kelly. Seconded by Councilperson Kahwaty. Discussion – None.

Resolution read by Councilperson Kahwaty, seconded by Councilperson Kelly. Discussion – Mayor Bivona stated that PETA is supporting this ordinance. PETA has identified 150 of the spiked type fences in the Borough and they are contacting property owners relative to funds available to retrofit the fences so that they are not a hazard to deer. Mayor Bivona said that the Council should stay neutral relative to PETA and Councilmembers agreed.

Roll Call Vote

Ayes: Cadicinia, Kahwaty, Kelly, Lambrix, Ramsey, Swist  
Nays:  
Abstain:  
Absent:  
Motion Approved

**ORDINANCE 1583**  
**AN ORDINANCE SUPPLEMENTING CHAPTER 356**  
**“PARKS AND PUBLIC LANDS” OF THE CODE OF THE**  
**BOROUGH OF FRANKLIN LAKES TO PERMIT AND REGULATE**  
**BOATING AT THE FRANKLIN LAKES NATURE PRESERVE**

*Summary – This ordinance would permit and establish regulations for boating at the Franklin Lakes Nature Preserve.*

**WHEREAS**, an ordinance 1583 was introduced at a meeting of the Mayor and Council held on the 18<sup>th</sup> day of February, 2014 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 1583 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 to take up Ordinance 1583 for consideration of adoption on second and final reading, and to direct the Clerk to read by title was made by Councilperson Kahwaty. Seconded by Councilperson Cadicina. All ayes. Discussion – none.

The Clerk read Ordinance 1583 by title.

Motion to open the public hearing on Ordinance 1583 was made by Councilperson Lambrix. Seconded by Councilperson Kelly. All ayes. No one from the public came forward to comment.

Motion to close the time for public comment was made by Councilperson Kahwaty. Seconded by Councilperson Kelly. Discussion – None.

Resolution read by Councilperson Kahwaty, seconded by Councilperson Cadicina. Discussion – Mayor Bivona stated that someone had asked if he could use a trailer to bring in a kayak and he answered no based on the proposed ordinance. Mr. Hart reported that the sign noting rules and regulations for boating on the reservoir will be ready by April 1<sup>st</sup>.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Swist  
Nays: Ramsey  
Abstain:  
Absent:  
Motion Approved

**OPEN THE TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilperson Swist, seconded by Councilperson Kelly, all ayes. Discussion – none.

Demetrios Stratis, 839 Seneca Road, said that he is an assistant baseball coach who has served with Michael Ruebenacker. He wanted to speak on behalf of Mr. Ruebenacker and he has submitted a petition to the Council asking them to consider reinstating Mr. Ruebenacker as a coach for the upcoming year. Mr. Stratis felt that the petition was

called for due to the number of phone calls and emails he has received in addition to the support from the team members. As a lawyer, Mr. Stratis stated that he would be submitting a Certified Petition for Expungement to the Superior Court on behalf of Mr. Ruebenacker. However, this will take time and if the Council does not reconsider their decision this baseball season will be lost. Mr. Stratis asked the Council to maintain the status quo for now until the Superior Court has had the opportunity to review the Petition.

Mr. Stratis said that the players see Mr. Ruebenacker as a mentor, role model and friend. He understands that Borough policies have the best interests of the children of Franklin Lakes in mind. He asked the Council to consider re-evaluating the policy because having Mr. Ruebenacker continue to coach would be in the best interests of the baseball teams. He again asked that the Council reconsider the reinstatement of Mr. Ruebenacker in Closed Session. He requested that he be permitted to attend this portion of the meeting for clarification purposes.

Mayor Bivona polled Councilmembers about the issue as well as Mr. Stratis' attendance during Closed Session deliberations. He suggested that Mr. Stratis be allowed to attend the discussion portion of the meeting but not the deliberation phase. Mr. Stratis agreed to this and said that Mr. Ruebenacker was available to attend as well. Councilmembers agreed to this proposal.

Jason Psirogianes, 359 Longbow Drive, spoke in support of Michael Ruebenacker and read a written statement.

Dr. Richard Braver, 716 Galloping Hill Road, said that he is also a baseball coach. He sent a letter to the Mayor and Council and also spoke in support of Mr. Ruebenacker and his dedication to baseball and children in the Borough.

Laurie Burnette, 860 Woodfield Road, asked for an update on the McCoy Road project. Mr. Hart explained that there is a resolution on the Consent Agenda relative to the funding application in connection with the redevelopment plan. If approved by the Mayor and Council tonight, the plan will be referred to the Planning Board and a proposed concept plan was recently presented to the Mayor and Council. The next step will be a review of that plan. Mr. Hart explained that there are still a number of steps to go through for funding and the Council wants to ensure that it is the type of plan they want in order to move forward. He noted the August deadline for funding applications and they hope to be ready to go immediately when the funding is received.

Mr. Smith explained that the Planner has designated that this is an area of redevelopment which is the first step in this process. After approval by the Planning Board, the Mayor and Council will adopt a resolution to that effect. The next step is for both the developer and the Council to agree to a plan which will also go to the Planning Board for review. After the required hearings, the plan will be adopted by both the Planning Board and the Mayor and Council.

Nancy Kidd, 804 Tequesta Drive, said she wants Access Link to be able to service the area. Mayor Bivona said that they will take this into consideration. He added that the focus group on this very important project will be reconvened to make sure everything is done correctly.

Richard Fellingner, 939 Huron Road, asked if the Borough would have any input in the selection of qualifying residents in this Special Needs Housing. Mayor Bivona said that because the Borough is accepting money from Affordable Housing, it must abide by its rules. In other words, the Borough cannot select who can get in because, by law, there is a process that must be followed. He added that residents of Franklin Lakes will have the opportunity to put in a timely application for the residence.

Mrs. Kidd asked if anyone knew about a voucher program that is used for rental assistance purposes. Mr. Hart said that they will have discussions on this item because they need to better understand this type of program. Mayor Bivona commented that the voucher program has been in existence and his understanding is that it will continue. He

suggested that the Alpert Group and representatives from Bergen County attend a meeting to clarify these open questions.

There were no further comments from the public and a motion to close the time for public comment was made by Councilperson Cadicina. Councilperson Kelly seconded the motion. Discussion – none.

**CONSENT AGENDA 93-14**

**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 94-14 Accept Report of the Finance Committee
- Resolution 95-14 Stipulation of Settlement – First Real Estate Investment Trust of NJ
- Resolution 96-14 Approve Tree Removal – 806 Phelps Road
- Resolution 97-14 McCoy Road Redevelopment
- Resolution 98-14 Franklin Lakes Realty Resolution of Need
- Resolution 99-14 Facilities Use – Teel Baseball and Softball Camps
- Resolution 100-14 Facilities Use – English Pro Soccer
- Resolution 101-14 Resolution Adopting Personnel Policy
- Resolution 102-14 Resolution Amending Personnel Policy
- Resolution 103-14 Civil Rights Resolution
- Resolution 104-14 Authorize Mayor and Clerk to Sign Brine Agreement with Oakland
- Resolution 105-14 Adopt Guiding Principles of the Governing Body 2014
- Resolution 106-14 Tax Refund – 774 Aspen Way
- Resolution 107-14 Award Contract – 911 Dispatch
- Resolution 108-14 Emergency Temporary Appropriation
- Resolution 109-14 Budget Transfers

Resolution introduced by Councilperson Kahwaty, seconded by Councilperson Kelly. Discussion – Council President Ramsey asked that Colonial Road be specifically named in the Franklin Lakes Realty Resolution of Need.

Roll Call Vote

- Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist
- Nays:
- Abstain:
- Absent:
- Motion Approved

**RESOLUTIONS**

**Resolution – Tabled  
Facilities Use – Triple Crown Baseball Tournament**

**WHEREAS**, Triple Crown Sports, 3930 Automation Way, Fort Collins, CO 80525 has requested the use of Borough facilities, Pulis Field, for its Baseball Tournament to be held on July 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> 2014 as described on the Field/Building Use Permit dated December 18, 2013; and

**WHEREAS**, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough’s field use ordinance;

**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 Triple Crown Sports is hereby granted permission to use Borough facilities, Pulis Field, for its Baseball

Tournament to be held on July 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> 2014; provided the applicant complies with all requirements of the Borough's facilities use ordinance; and

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Triple Crown Sports and the Recreation and Parks Director.

Mr. Hart noted that everyone had a copy of an email explaining the benefit of Triple Crown Baseball to the Franklin Lakes' Community.

Resolution read by the Mayor Bivona. Resolution introduced by Councilperson Kahwaty, seconded by Councilperson Swist. Discussion – Mr. Hart read from the email from Triple Crown Baseball highlighting the benefits to the community. Mayor Bivona suggested that Triple Crown pay the ordinance fees, if approved, in addition to a donation to the Borough. The email doesn't mention any Franklin Lakes residents who are involved. Councilperson Cadicina made a motion to table this resolution, seconded by Councilperson Swist.

#### Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved

Councilperson Lambrix asked why this group was being considered to use Borough facilities because it doesn't meet the benefit standards. Mayor Bivona said that information is needed relative to the numbers of participants from Franklin Lakes. Council President Ramsey was curious as to whether they would want to use the Recreation Building and bathroom facilities. Mr. Hart will research the answers to these questions for the meeting of April 1st.

#### **Resolution 110-14**

##### **Award Contract – Franklin Lakes Nature Preserve Accessible Trail**

**WHEREAS**, the Borough of Franklin Lakes advertised for and opened bids on March 7, 2014 for the construction of an accessible trail at the Franklin Lakes Nature Preserve; and,

**WHEREAS**, seven contractors submitted a bid for this project; and

**WHEREAS**, the Borough Engineer has recommended that the contract for the construction of the accessible trail be awarded to the contractor that submitted the lowest bid, Forcellati Brothers, Inc., 691 Rivervale Road, River Vale, New Jersey 07675, for the Base Bid amount of \$75,750, plus Alternate Bid "A" in the amount of \$25,724, for a total bid amount of \$101,474; and,

**WHEREAS**, the Borough Engineer and Borough Administrator reviewed the bid submitted by Forcellati Brothers, Inc., and have determined that the bid meets 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 the bid for the construction of an accessible trail at the Franklin Lakes Nature Preserve be and is hereby awarded to Forcellati Brothers, Inc., for the Base Bid amount of \$75,750, plus Alternate Bid "A" in the amount of \$25,724, for a total bid amount of \$101,474; 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 FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Forcellati Brothers, Inc., the Borough Engineer, the New York-New Jersey Trail Conference, and the Chief Financial Officer.

Resolution read by Mayor Bivona. Resolution introduced by Councilperson Kelly, seconded by Councilperson Cadicina. Discussion – Mr. Hart said that funding for this project is a combination of Borough Capital Funding and County Open Space Grants.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved

**Resolution 111-14**

**Award Contract – Police Vehicle**

**WHEREAS**, the Borough of Franklin Lakes wishes to purchase a 2014 Ford Police Interceptor Utility all wheel drive vehicle to be used as marked Police Vehicles from an authorized vendor under the Cranford Cooperative Pricing System; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A 40A:11-12; and

**WHEREAS**, Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 has been awarded New Jersey State Contract 47-CPCPS for 2014 Ford Police Interceptors Utility all wheel drive vehicle through the Cranford Cooperative Pricing System; and

**WHEREAS**, the Police Chief and Borough Administrator recommend the utilization of this contract on the grounds that it represents the best price available; and

**WHEREAS**, the actual cost for the purchase of the 2014 Ford Police Interceptor Utility all wheel drive vehicle is \$27,963.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this purchase,

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that a Ford Police Interceptor Utility all wheel drive vehicle be purchased from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034

Resolution ready by Mayor Bivona. Resolution introduced by Councilperson Cadicina, seconded by Councilperson Kelly. Discussion - Mr. Hart stated that this vehicle is being purchased to replace the vehicle that had been involved in an accident and deemed a total loss. Insurance monies were received in the amount of \$8,000 towards the price of a replacement vehicle.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved

**ACTION ON MINUTES**

A motion was made by Councilman Kahwaty and seconded by Councilman Kelly to accept the minutes of:

- January 7, 2014 Closed Session
- February 4, 2014 – Worksession
- February 4, 2014 Closed Session
- February 18, 2014 Closed Session
- February 20, 2014 Closed Session
- February 18, 2014 Budget

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist (with an exception)

Nays:

Abstain: Swist - 2/18/14

Absent:

Motion Approved

**OLD BUSINESS**

There was no new business for discussion this evening.

**NEW BUSINESS**

Mayor Bivona reported that the Borough has again received an Aaa rating from Moody's. It is a vote of confidence which recognizes that the finances are being maintained at a top level. There are only four municipalities in Bergen County with this rating and a total of sixteen in the State of New Jersey. This is a great endorsement of the disciplined process supported by everyone on the Council and he thanked everyone for their collective actions over the years. Councilperson Lambrix thanked the Mayor for his leadership. Mayor Bivona announced that he would be seeking a second term as Mayor.

Council President Ramsey announced that the Borough has won a Safety Award thanks to efforts by the DPW and other Borough employees. The Borough has a long standing, excellent safety record and the award is a check in the amount of \$1,500. Mr. Hart said that the employees should be rewarded and they will discuss this in the near future.

Councilperson Kelly stated that there is a Borough ordinance that prevents a town employee from coaching. The town is short on lacrosse coaches because it is a relatively new sport. Mr. Hart explained that this ordinance refers to the policy of purchasing from a volunteer in the Borough or an entity with which the volunteer is involved. There are no provisions for exceptions and a resolution would have to be adopted to provide for an exception. Mr. Smith said that this ordinance wasn't adopted for this type of situation. Councilperson Kelly said that this individual is no longer being paid as an employee. Councilperson Cadicina said that it must be made clear to this individual that he cannot sell services to the district while he is coaching and there will be no violation of the resolution. Mr. Hart will clarify the situation.

**INTRODUCTION OF ORDINANCES ON FIRST READING**

**ORDINANCE 1585**  
**AN ORDINANCE AMENDING SECTION 300-121 OF THE**  
**ZONING CODE OF THE BOROUGH OF FRANKLIN LAKES**  
**ADDRESSING THE PLACEMENT OF HVAC UNITS AND**  
**GENERATORS ON RESIDENTIAL PROPERTIES**

**WHEREAS**, Ordinance 1585 was introduced at a meeting of the Mayor and Council held on the 18 day of March 2014;

**NOWHEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1585 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1585 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17<sup>th</sup> day of April 2014 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 1585; 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.

Motion to read the resolution by title only made by Councilperson Kahwaty, seconded by Councilperson Kelly, all ayes.

The Borough Clerk read Ordinance 1585 by title only:

Resolution introduced by Councilperson Kahwaty, seconded by Council President Ramsey. Discussion – Mr. Hart noted a memo from the Planning Board Attorney; however, no revisions were recommended.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved

**ORDINANCE 1586 TABLED**

**AN ORDINANCE SUPPLEMENTING CHAPTER 107 “RECREATION AND PARKS DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REQUIRE DISQUALIFICATION FOR FAILING TO PASS CRIMINAL HISTORY BACKGROUND CHECK**

Mayor Bivona asked to table this ordinance until after Closed Session. He also suggested meeting with the Recreation Committee to get their ideas since there is nothing urgent in this ordinance. Councilperson Cadicina made a motion to table this ordinance, seconded by Council President Ramsey, all ayes.

**ORDINANCE 1587**

**AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2014**

**WHEREAS**, Ordinance 1587 was introduced at a meeting of the Mayor and Council held on the 18 day of March 2014;

**NOWHEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1587 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1587 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17<sup>th</sup> day of April 2014 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 1587; 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.

Motion to read the resolution by title only made by Councilperson Kahwaty, seconded by Councilperson Kelly, all ayes.

The Borough Clerk read Ordinance 1587 by title only:

Resolution introduced by Councilperson Kahwaty, seconded by Councilperson Cadicina. Discussion – Mr. Hart explained that this is the 2014 salary ordinance which includes the increase in the two collective bargaining agreements for a 2% increase for non-contractual employees. This would be scheduled for adoption on April 17<sup>th</sup>. There was a clarification to the wording relative to the minimum wage which was revised to \$8.25.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist  
Nays:  
Abstain:  
Absent:  
Motion Approved

**ORDINANCE 1588**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE AND INSTALLATION OF BARRIER-FREE DOORS AT THE BENDER COURT FIREHOUSE, AND APPROPRIATING \$37,000.00 FOR SAID PURCHASES AND IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY**

**WHEREAS**, Ordinance 1588 was introduced at a meeting of the Mayor and Council held on the 18 day of March 2014;

**NOWHEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1588 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1588 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17<sup>th</sup> day of April 2014 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 1588; 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.

Motion to read the resolution by title only made by Councilperson Kahwaty, seconded by Councilperson Kelly, all ayes.

The Borough Clerk read Ordinance 1588 by title only:

Resolution introduced by Councilperson Kahwaty, seconded by Council President Ramsey. Discussion – Mr. Hart said that this is an appropriation for a project where \$33,000 has been provided from a Bergen County Development Grant. The excess over the \$33,000 is for architectural fees and it is under the bid threshold.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist  
Nays:  
Abstain:

Absent:  
Motion Approved

**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, March 18, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Temple Emanuel property
- Pending Litigation – University Heights
- Contractual – Oldwoods Road Paper Street
- Contractual – Gregory Road Paper Street

**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 Kelly at 9:03 P.M. to enter into Closed Session.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist  
Nays:  
Abstain:  
Absent  
Motion Approved

At 9:39 P.M., the Council opened to the public.

**Resolution 112-14 Ruebenacher**

**WHEREAS**, the Mayor and Council has listened to Mr. Ruebenacker’s attorney and considered the certification and various other documents that he submitted and, with the exception of the one incident, there is no other indication that he has had any other problems that would disqualify him; and,

**WHEREAS**, this one incident is not indicative of his being a threat to any children or something that should preclude him from coaching; and,

**WHEREAS**, this incident is going to be expunged from his record and the Mayor and Council is desirous of giving him time to have it removed; and,

**WHEREAS**, the Mayor and Council received many letters of endorsement from parents and coaches supporting Mr. Ruebenacker;

**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 Michael Ruebenacker is permitted to coach baseball in the Borough’s Recreation program subject to supervision by Mr. Stratis in his position as assistant coach or by another assistant coach that is qualified; and,

**BE IT FURTHER RESOLVED** that Mr. Stratis will immediately file an expungement application with the Court and will continue to keep the Mayor and Council advised of the status of said application including the granting or denial of the application; and,

**BE IT FURTHER RESOLVED** that, if the expungement application is denied, Mr. Ruebenacker will immediately be terminated as baseball coach in the Borough's Recreation program; and,

**BE IT FINALLY RESOVLED** that, unless the expungement application is approved and the offense at issue is removed from his record within the time specified, this permission to coach in the Borough's Recreation program shall automatically terminate as of September 18, 2014, or at the conclusion of the baseball season for the team which he will be coaching this Spring, whichever is sooner.

Resolution introduced by Councilman Kahwaty, Seconded by Councilman Cadicina.  
Discussion – none

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Resolution Approved.

At 9:42 P.M. Councilperson Cadicina made a motion to go back into Closed Session for the remaining items on the list, seconded by Councilperson Kahwaty, all ayes.

**ADJOURNMENT**

Motion by Councilperson Kahwaty to adjourn the meeting at 10:00 P.M. Seconded by Councilperson Kelly. Discussion – none.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent

Motion Approved

**Resolution 94-14 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 \$301,200.60 as shown on the Claims Bill List; \$10,554.25 as shown on the Soil Account Bill List and \$2,458.50 as shown on the Developers Escrow List.

**Resolution 95-14 Stipulation of Settlement – First Real Estate Investment Trust of NJ**

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

**Block: 1513**

**Lot: 2**

**Street Address: 830 Franklin Avenue**

**Owner: First Real Estate Investment Trust of New Jersey**

**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: 2009**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 6,245,000	\$ 6,245,000
Improvements	\$13,549,200	\$13,549,200
Total	\$19,794,200	\$19,794,200

**Tax Year: 2010**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 6,245,000	\$ 6,245,000
Improvements	\$13,549,200	\$ 9,536,200
Total	\$19,794,200	\$15,781,200

**Tax Year: 2011**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 6,245,000	\$ 6,245,000
Improvements	\$13,549,200	\$13,549,200
Total	\$19,784,900	\$19,784,900

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 6,245,000	\$ 6,245,000
Improvements	\$13,539,900	\$13,549,200
Total	\$19,784,900	\$19,784,900

**Tax Year: 2013**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 6,245,000	\$ 6,245,000
Improvements	\$13,549,200	\$13,549,200
Total	\$19,784,900	\$19,784,900

**Resolution 96-14 Approve Tree Removal – 806 Phelps Road**

**WHEREAS**, paragraph C of Borough Code §300-150 permits applicants to apply to the Mayor and Council to remove trees in addition to those permitted under paragraph B of said section; and,

**WHEREAS**, in accordance therewith, L & L Builders the developer and owner of 806 Phelps Road, has requested permission to remove trees in excess of those permitted by paragraph B of Borough Code §300-150; and,

**WHEREAS**, the Mayor and Council referred the application to the Shade Tree Commission for its review and recommendations; and,

**WHEREAS**, the Shade Tree Commission has recommended approval of the application with certain conditions, as set forth in the memo from the Shade Tree Commission dated February 25, 2014;

**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 recommendation of the Shade Tree Commission as set forth in its memo dated February 25, 2014 is hereby approved, and the tree removal application for 806 Phelps Road be and is hereby approved, subject to the conditions in said Shade Tree Commission memo; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to L & L Builders, the Tree Specialist and the Shade Tree Commission.

**Resolution 97-14      McCoy Road Redevelopment**

**WHEREAS**, Elizabeth McManus, AICP, of Clarke Caton Hintz, has prepared a report entitled, “Preliminary Investigation for a Determination of an Area in Need of Redevelopment for the McCoy Road Site, Franklin Lakes, New Jersey” for consideration by the Mayor and Council and Planning Board of the Borough of Franklin Lakes; and

**WHEREAS**, the Mayor and Council has reviewed said report and is desirous of referring the report to the Planning Board for its consideration in accordance with the standards and processes set forth in the Local Redevelopment & Housing Law, N.J.S.A. 40A:12A-1, et seq.;

**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 report entitled, “Preliminary Investigation for a Determination of an Area in Need of Redevelopment for the McCoy Road Site, Franklin Lakes, New Jersey” be and is hereby referred to the Planning Board for its consideration in accordance with the standards and processes set forth in the Local Redevelopment & Housing Law; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Franklin Lakes Planning Board, Elizabeth McManus, AICP, the Housing Development Corporation of Bergen County and the Alpert Group.

**Resolution 98-14      Franklin Lakes Realty Resolution of Need**

**WHEREAS**, Franklin Lakes Realty Affordable Housing , LLC (hereinafter referred to as the “Sponsor”) proposes to construct a 23 unit family housing project (hereinafter referred to as the “project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Borough of Franklin Lakes (hereinafter referred to as the “Municipality”) on a site described as Lot 2.02, Block 1411 as shown on the Official Assessment Map of the Borough of Franklin Lakes, Bergen County and commonly known as Franklin Lakes Realty Affordable Housing, 566 Colonial Road Franklin Lakes New Jersey; and

**WHEREAS**, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

**WHEREAS**, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Franklin Lakes(the “Council”) that:

- (1) The Council finds and determines that the 18 affordable family housing units that will be provided by the Franklin Lakes Realty Affordable Housing community proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council finds and determines that the Franklin Lakes Realty Affordable Housing community proposed by the Sponsor meets or will meet part of the municipality's low and moderate income housing obligation;
- (3) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

**Resolution 99-14 Facilities Use – Teels Baseball and Softball Camps**

**WHEREAS**, G. Teels Baseball & Softball Training Center, 445 Braen Avenue, Wyckoff, NJ 07481, has requested the use of Borough Facilities, Pulis Field, July 7<sup>th</sup> through July 11<sup>th</sup> ; July 21<sup>st</sup> through July 25<sup>th</sup> and August 4<sup>th</sup> through August 8<sup>th</sup> for baseball and softball camps; as described on the Field/Building Use Permit dated January 31, 2014, on file in the Borough Clerks Office; and

**WHEREAS**, the Recreation and Parks Director has reviewed the request and has no objection to the use of the Pulis Avenue field for the dates requested;

**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 G. Teels Baseball & Softball Training Center, is hereby granted permission to use Borough facilities as described on the Field/Building Use Permit dated January 31, 2014; provided the applicant complies with all requirements of the Borough’s facilities use ordinance; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to G. Teels Baseball & Softball Training Center and the Recreation and Parks Director.

**Resolution 100-14 Facilities Use – English Pro Soccer**

**WHEREAS**, English Pro Soccer, PO Box 923 Franklin Lakes, NJ 07417, has requested the use of Borough facilities on Thursdays March 27<sup>th</sup> through June 26<sup>th</sup> Women’s team; July 28<sup>th</sup> through August 1<sup>st</sup> camp; August 4<sup>th</sup> through August 8<sup>th</sup> camp; as described on the Field/Building Use Permit dated January 27, 2014, on file in the Borough Clerks Office; and

**WHEREAS**, the Recreation and Parks Director has reviewed the request and has no objection to the use of the Pulis Avenue field for some of the dates requested;

**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 English Pro Soccer is hereby granted permission to use Borough facilities as described on the Field/Building Use Permit dated January 27, 2014; provided the applicant complies with all requirements of the Borough’s facilities use ordinance; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to English Pro Soccer and the Recreation and Parks Director.

**Resolution 101-14 Resolution Adopting Personnel Policy**

**WHEREAS**, it is the policy of the Borough of Franklin Lakes to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

**WHEREAS**, the Borough maintains a policies and procedures manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and,

**WHEREAS**, the Municipal Excess Liability Insurance Fund, of which the Borough is a member, requires the update of the Borough's polices and procedures manual to ensure compliance and adherence to recent changes to federal and State laws and regulations and recent court case rulings;

**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 Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

**BE IT FURTHER RESOLVED** that Mark Ruderman, Esq., is hereby appointed as Labor Attorney to advise the Borough in personnel matters.

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

#### **Resolution 102-14 Resolution Amending Personnel Policy**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that paragraph 30 "Systems Privacy" of the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby deleted, and the following is substituted therefor:

#### **30) *Communications Media Policy.***

The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by

the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, databases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's servers, workstations, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his or her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for all Borough business and correspondence. The use of private email accounts for any Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or modify any hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough Administrator. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and

licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

The Borough encourages employees to share information with co-workers and with those outside the Borough for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Borough. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Employees may engage in social media activity during work time through the use of the Borough's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough.

Because authorized postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough's employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Employee must place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

**BE IT FURTHER RESOLVED** that the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby supplemented by the addition of the following:

30A) *Video Surveillance.*

The Borough may install video surveillance camera systems within public buildings and throughout public areas within the Borough, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Borough will ensure compliance with federal, state and local laws governing such usage.

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough Administrator will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission from the Borough Administrator.

The Borough shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Borough Administrator is immediately informed of such breach.

**BE IT FURTHER RESOLVED** that paragraph 39 "Family and Medical Leave Act" be and is hereby amended to read as follows:

39) *Family and Medical Leave Act Policy.*

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one year of service with the Borough; and, at least 1,000 hours of work for New Jersey leave and 1,250 hours of work for

Federal leave during the previous 12 months. Eligible employees may receive up to 12 weeks of leave per year (FMLA) or 12 weeks every 24 months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to 12 weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. Eligible employees who take leave under this policy must also use all accrued available sick leave if the reason for the leave otherwise qualifies for sick leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past 12 weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Borough reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Borough Administrator.

Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period is available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member's serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in one day increments. An employee seeking intermittent paid family leave is required to provide the (local unit type) with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the (local unit type) with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable discharge at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to

childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any one of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

**BE IT FURTHER RESOLVED** that the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby supplemented by the addition of the following:

**39A) *Domestic Violence Leave.***

The New Jersey Security and Financial Entitlement Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- seek medical attention for physical or psychological injuries;
- obtain services from a victim services organization, pursue psychological or other counseling;
- participate in safety planning for temporary or permanent relocation;
- seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- the employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- the employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- the twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the Federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

**BE IT FURTHER RESOLVED** that the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby supplemented by the addition of the following:

**42A) *Payment for Accumulated Leave Time.***

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Borough shall only make such payment if the chief financial officer or Borough Administrator certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation includes:

- a copy of the agreement, ordinance and/or resolution;
- documentation of the amount of accumulated absence time; and
- the total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

**BE IT FURTHER RESOLVED** that paragraph 47 “Family and Medical Leave Act” be and is hereby amended to read as follows:

47) ***Workers Compensation Policy.***

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Borough covers workers compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the joint insurance fund and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Borough will only pay, either directly or through its Workers’ Compensation insurer, those benefits that are specifically provided for under the Workers’ Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to every employee.

**Resolution 103-14 Civil Rights Resolution**

**WHEREAS**, it is the policy of the Borough of Franklin Lakes to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes has determined that certain procedures need to be established to accomplish this policy;

**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 no official, employee, appointee or volunteer of the Borough, by whatever title known, or any entity that is in any way a part of the Borough, shall engage, either directly or indirectly in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough’s business or using the facilities or property of the Borough; and,

**BE IT FURTHER RESOLVED** that the prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough; and,

**BE IT FURTHER RESOLVED** that discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution, and such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints; and,

**BE IT FURTHER RESOLVED** that no person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Mayor and Council the results of the monitoring; and,

**BE IT FURTHER RESOLVED** that, at least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough, and this communication shall include a statement from the Mayor and Council expressing its unequivocal commitment to enforce this resolution, and this summary shall also be posted on the Borough's web site; and,

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

**Resolution 104-14 Authorize Mayor and Clerk to Sign Brine Agreement with Oakland**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an interlocal agreement with the Borough of Oakland for the provision of brine.

**BE IT FURTHER RESOLVED**, that the agreement adopted between the Borough of Franklin Lakes and the Borough of Oakland shall remain in force and effective from the date of execution until December 31, 2015.

**Resolution 105-14 Adopt Guiding Principles of the Governing Body 2014**

**WHEREAS**, the Mayor and Council are desirous of establishing "guiding principles" for 2014 for reference in decision-making throughout the year;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the "Guiding Principles of Governing Body 2014" dated March 18, 2014 be and are hereby approved.

**Resolution 106-14 Tax Refund – 774 Aspen Way**

**WHEREAS**, at the Tax Sale held on September 30, 2013, the Borough of Franklin Lakes sold a tax lien on Block 1516, Lot 2, also known as 774 Aspen Way, for delinquent 2012 taxes, owned by John and Gretta Vennik and;

**WHEREAS**, this Tax Lien Certificate #13-00005 was sold to Clemente Enterprises LLC, P.O. Box 151, Franklin Lakes, NJ 07417 at zero percent interest rate and a premium of \$20,700.00:

**WHEREAS**, Linda Vennik, heir to Gretta Vennik will redeem of Certificate#13-00005 in the amount of \$15,303.39, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer is authorized to issue check in the amount of \$36,003.39 to Clemente Enterprises LLC, P.O. Box 141, Wyckoff, NJ 07417.

Tax Lien	\$6,871.80	<b>1099:</b>	
4% Redemption Penalty	\$274.87		
Subsequent Payment	\$7,597.78	Subsequent Interest	\$503.94
		4% Penalty:	274.87
4% Penalty:	\$274.87	Total 1099	\$778.81
Recording Fee	\$43.00		
Search Fee	\$12.00		
<b>Total:</b>	<b>\$15,303.39</b>		

**Resolution 107-14 Award Contract – 911 Dispatch**

**WHEREAS**, the Borough Administrator solicited two proposals for E9-1-1 Public Safety Answering Point services; and,

**WHEREAS**, the Borough Administrator is recommending that the contract for E9-1-1 Public Safety Answering Point services be awarded to the vendor that submitted the lowest proposal, Northwest Bergen Central Dispatch, 30 Garber Square, Ridgewood, New Jersey 07450, for a two year contract at the rate of \$7,817 per year, for a total contract amount of \$15,634, commencing January 1, 2014; and,

**WHEREAS**, Northwest Bergen Central Dispatch is the current vendor for these services and has provided satisfactory services;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the contract for E9-1-1 Public Safety Answering Point services be and is hereby awarded to Northwest Bergen Central Dispatch, for a two year contract at the rate of \$7,817 per year, for a total contract amount of \$15,634; 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 a copy of this resolution be forwarded to Northwest Bergen Central Dispatch, the Police Chief, and the Chief Financial Officer.

**Resolution 108-14 Emergency Temporary Appropriation**

**WHEREAS**, the CY 2014 budget has not been adopted, and adequate provisions could not be made in the CY 2014 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 2014 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$1,578,154.21;

**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:	Administration	4200.00
	Municipal Clerk	800.00
	Finance Admin.	100.00
	Tax Collection	500.00
	Tax Assessment	500.00
	Engineering	800.00
	Zoning Board	100.00
	Construction Dept.	2,000.00
	Fire Protection	500.00
	Zoning Official	200.00
	Police	25,000.00
	Road Repairs& Maint.	90,000.00
	Board of Health	500.00
	Municipal Court	500.00
Other Expenses:	Engineering	5,000.00
	Social Security	15,000.00
	Fire Prevention	20,000.00
	Road Repairs& Maint.	30,000.00
	Garbage Removal	30,000.00
	Insurance	100,000.00
	Group Ins. Employees	170,000.00
	Police	20,000.00
	Vehicle Maintenance	15,000.00
	Senior Citizens Prog.	3,500.00
	Finance	2,500.00
	Tax Collection	200.00
	Maint. Public Library	95,000.00
	Electricity	15,000.00
	Street Lighting	5,000.00
	Telephone	5,000.00
	Water	5,000.00
	Gasoline	15,000.00
	Garbage Disposal	10,000.00
	PERS	244,267.00
	PFRS	428,767.21

2. That said emergency temporary appropriations be provided for in the CY 2014 adopted budget.

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

**Resolution 109-14 Budget Transfers**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the following 2013 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Electrical Inspector S&W	895	
Social Security System	9,795	
DCRP Employer Contribution	3,410	
<u>To</u>		

Public Employees Retirement System  
Police/Fire Retirement System

1,100  
13,000

14,100

14,100

Respectfully submitted,

A handwritten signature in black ink that reads "Sally T. Bleeker". The signature is written in a cursive style with a large, looping 'S' and a distinct 'T'.

Sally T. Bleeker, Borough Clerk