

MEETING OF THE MAYOR AND COUNCIL

June 17, 2014

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, June 17, 2014 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 Cadicina, Councilmember Kahwaty, Councilmember Kelly, Councilmember Lambrix, Council President Ramsey and Councilmember Swist. Also present were Borough Administrator Greg Hart, Borough Clerk Sally Bleeker and Borough Attorney William T. Smith.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENT

Officer Dennis Hill- Permanent Appointment to Police Department

Motion to appoint Officer Dennis Hill as a permanent member of the Police Department was made by Council President Ramsey, seconded by Councilmember Kahwaty.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1593

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES PERTAINING TO OVERNIGHT PARKING OF VEHICLES**

Summary – This ordinance restricts the parking of certain vehicles permitted in residential districts including permitting one recreation vehicle.

WHEREAS, Ordinance 1593 was introduced at a meeting of the Mayor and Council held on the 20th day of May, 2014 and duly published by law; and,

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 1593 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 open the hearing to the public was made by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Carl Stevens – 701 Windswept. Came forward to ask the Council why they are acting on one letter from his neighbor.

Mayor Bivona said they are deliberating the matter but no conclusion has been made.

Mr. Stevens said his vehicle has been parked in his driveway for 10 years. His neighbor doesn't even live there and just is making an issue because she is trying to sell her home. He's been living there for 18 years and is grandfathered in.

Mike Mesling – 750 Old Franklin Lake Road. Mr. Mesling said there are a number of people in town who have trailers. He is asking for a reasonable compromise. Mayor Bivona explained that it is not the Council's intention to stop people from having a boat or RV.

Robert Mederios – 889 Roberts Court. He wanted to know who is going to enforce the Ordinance. We need a vigilant Zoning Officer. He stressed that there needs to be consistency. There are too many things that do not belong and are a problem such as trucks with loud exhausts and large landscaper trucks parked over night.

Rick Vivone – 865 Summit Avenue. He has antique cars and wants 20 foot and 26 foot trailers to be allowed. He wouldn't want to live next door to a trailer that is 40 feet because it is an eyesore. He hopes that there is a compromise and that they keep an open mind.

Mr. Stevens came forward and said he moved the trailer off the lot to his shop in Paterson. Councilmember Lambrix asked if he was running a business out of his property. Mr. Stevens said he does not. In the winter he parks the trailer on his lot, but in the summer when he's racing cars his trailer is parked at his shop in Paterson.

Robert Mederios – 889 Roberts Court. He said that he lives on a ½ acre lot. Landscapers have big trailers and would like the Council to keep lot size in mind. He said not everyone has an acre and a half of property.

Laurie Burnette – 860 Woodside Avenue. She said that people park vehicles on their lawns and woodchips and believes that is more bothersome than people parking trailers in driveways.

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

At this time, the Mayor suggested that Ordinance 1593 be tabled. Motion to table Ordinance 1593 was made by Council President Ramsey, seconded by Councilmember Kahwaty. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCE 1594

AN ORDINANCE AMENDING ORDINANCE NO. 1587 RELATING TO SALARIES AND OTHER COMPENSATION OF EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEAR 2014

Summary – This ordinance amends the salary for the Tax Collector position.

WHEREAS, an ordinance 1594 was introduced at a meeting of the Mayor and Council held on the 20th day of May, 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 1594 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. 1594 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Cadicina. 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 Cadicina, seconded by Councilmember Lambrix. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCE 1595

**AN ORDINANCE AMENDING CHAPTER 89 “POLICE DEPARTMENT”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO
REQUIRE A FEE FOR NEW HIRES THAT ARE INTERVIEWED**

Summary – This ordinance will require that potential new hires in the Police Department pay an application fee if they are interviewed.

WHEREAS, an ordinance 1595 was introduced at a meeting of the Mayor and Council held on the 20th day of May, 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 1595 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 Cadicina to take up Ordinance No. 1595 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Swist. 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 Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Mr. Hart advised that the Ordinance was revised since introduction to just clean up some language.

Roll Call Vote:

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

ORDINANCE 1596

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
BLOCK 1406, LOT 1, PORTION of LOT 2 AND BLOCK 1408, LOT 1 AND
AMENDING THE ZONING MAP AND ZONING ORDINANCES AND
MASTER PLAN TO INCORPORATE THE PROVISIONS OF THE
REDEVELOPMENT PLAN**

Summary – This ordinance approves the Redevelopment Plan for the Borough’s McCoy Road property which will amend the zoning requirements and Master Plan consistent with the concept plan for special needs housing.

WHEREAS, an ordinance 1596 was introduced at a meeting of the Mayor and Council held on the 20th day of May, 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 1596 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. 1596 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kelly. 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 Cadicina, seconded by Councilmember Swist. On voice vote, all in favor.

No one from the public came forward at this time.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mr. Hart said this was reviewed by the Planning Board and the Ordinance was approved.

Roll Call Vote:

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

Motion Approved.

ORDINANCE 1597
AN ORDINANCE APPROVING THE LEASE OF A PORTION OF THE FRANKLIN LAKES COMMUNITY CENTER AT THE PULIS AVENUE RECREATION FIELD TO THE WYCKOFF FAMILY YMCA

Summary – This ordinance approves the proposed Lease between the Borough and the Wyckoff Family YMCA for a portion of the Franklin Lakes Community Center.

WHEREAS, an ordinance 1597 was introduced at a meeting of the Mayor and Council held on the 20th day of May, 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 1597 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 Cadicina to take up Ordinance No. 1597 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

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

Nancy Keller – 53 Bentley Drive. Mrs. Keller asked if this has been decided already. Mayor Bivona said it is being decided tonight. She said she saw a sign already advertising the Franklin Lakes YMCA at the Memorial Day parade in Wyckoff. Mayor Bivona said he doesn't know anything about that.

Mrs. Keller wanted to know if other organizations that use the field have to pay to use the field. Mayor Bivona explained that the Borough has a plan in place to decide who can use the field. The Borough's Recreation gets first priority. Use of any of the Borough fields needs to be approved by the Governing body.

Mrs. Keller has concern about the increase in traffic.

John Armeni – 2 Valen Court. He is concerned about the day camp and the traffic in the morning if they do summer camp. Mayor Bivona again explained that the lease is about the building and not the fields. Councilmember Lambrix also explained that this is not going to affect the field use. There is a capacity limitation in Franklin Lakes. You cannot compare our facility to the one in Wyckoff.

Rea Schrader – 67 Bentley Drive. She wanted the lease to be clarified. She asked if there was a limit to non-resident members. Mayor Bivona said there was not, however the Fire Code limits the amount of people in the building. She would like the Council to work with the Mountain Shadows residents.

Elaine Espinosa – 20 Bentley Drive. She asked if there will be a summer camp. Mayor Bivona said yes because a summer camp has been run there for years. Mrs. Espinosa is concerned about emergency vehicle access. Mayor said that for any event they require police to keep traffic under control and that the traffic lanes are clear.

Robert Mederios – 889 Roberts Court. Mr. Mederios said this is a small facility compared to the Wyckoff YMCA. Mayor Bivona said that one particular advantage is that they will expand the hours.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Councilmember Lambrix said he knows there is concern regarding traffic, but does not think the lease will impact the traffic.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

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

Rea Schrader – 67 Bentley Drive. She had a question in regards to the recreation center parking lot. Council President Ramsey explained that this was a request from a resident to use the lot as a spot for valet parking for a wedding. Council President Ramsey was concerned about the hours.

Laurie Burnette – 860 Woodside Avenue. Mrs. Burnette wanted to know what Ordinance 1600 was about. Mayor Bivona said it had to do with PILOT which is payment in lieu of taxes.

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

CONSENT RESOLUTION 170-14

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 resolutions can be found after the Adjournment.

At this time, the resolution Award Contract – Concussion Testing was removed. Council President Ramsey requested that the Facilities Use – Recreation Center Parking Lot also be removed and discussed separately.

Also at this time, Councilmember Lambrix asked about the Woodside Avenue School sidewalk which Mr. Hart explained. Councilmember Lambrix also explained Chapter 159 – Franklin Lakes Open Space Preservation, LLC.

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| Resolution 171-14 | Accept Report of the Finance Committee |
| Resolution 172-14 | Consent to Modification of Cell Tower Lease – Crown Castle |
| Resolution 173-14 | Facilities Use Request – Lions Club Circus |
| Resolution 174-14 | Facilities Use Request – Wayne Christian Assembly Picnic |
| Resolution 175-14 | Right of Way Agreement – Fibertech Networks |
| Resolution 176-14 | 2014-2015 Liquor License Renewal |
| Resolution 177-14 | Authorize Advertisement for Bids – Portion of Huron Road |
| Resolution 178-14 | Award Contract – ETA - Soccer K-Clinic |
| Resolution 179-14 | Award Contract – Work Place Connections |
| Resolution 180-14 | Chapter 159 – Franklin Lakes Open Space Preservation, LLC |
| Resolution 181-14 | Chapter 159 – Thomas W. Murphy Jr. Fund |
| Resolution 182-14 | Tax Refund – Schumacher Estates |
| Resolution 183-14 | Authorize Mayor and Clerk to execute a Shared Services Agreement – Improvement to Woodside Avenue School Sidewalks |
| Resolution 184-14 | Change Order – Franklin Lakes Nature Preserve – Accessible Trails |
| Resolution 185-14 | Authorize Mayor to sign Statement of Consent Form – 556 Colonial Road |
| Resolution 186-14 | Authorize Advertisement for Bids – Used Cab and Chassis |

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

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist
Nays:
Abstain: Kahwaty on Resolution 173-14
Absent:
Motion Approved.

RESOLUTIONS

Resolution 187-14

Facilities Use – Recreation Center Parking Lot

WHEREAS, a resident of 930 Old Mill Road has requested the use of the Pulis Avenue Recreation Center parking lot for parking cars for a wedding on July 19, 2014; and,

WHEREAS, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's facilities use ordinance and the request has been reviewed and approved by the Borough's Risk Manager and the Recreation Director;

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 resident of 930 Old Mill Road is hereby granted permission to use the Pulis Avenue Recreation Center parking lot for parking cars on July 19, 2014; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the resident of 930 Old Mill Road and the Recreation and Parks Director.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Swist. Discussion – Council President Ramsey was concerned that the times of 7 p.m. until 2 a.m. are excessive.

Councilmember Cadicina said the only alternative would be to have parking on the street. That would be a bigger problem.

Councilmember Kahwaty said this is just a single request and does not seem to inconvenience any of the Mountain Shadows residents.

Roll Call Vote:

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

OLD BUSINESS

355 Freemans Lane – Property Issues

Councilmember Lambrix said he received an email in regards to the property at 355 Freemans Lane. This is a nuisance property owned by the Bulgarian Mission. Mayor Bivona said the last time this was discussed the government said the property is vacant. Mr. Hart said they recently applied for building permits and that the Construction Official is aware of the problem. Mr. Hart said he will send the Department of State another letter. Mayor Bivona suggested we ask them to clean up the property and re-affirm embassy status. Councilmember Kahwaty asked if they can give a time line of clean-up.

Termination Agreement with Sprint

Mr. Hart explained that Sprint is requesting we sign a termination agreement with them. Verizon Wireless is going on the cell tower and will take over the Nextel equipment shelter. Mr. Hart said it is urgent that this agreement is signed and he will sign on the behalf of the Council.

Borough Logo Contest

Mr. Hart has been assured by the teacher that this is an original artwork. Borough Attorney, Bill Smith said there is no need to do a copy right search. Now a survey will be sent out to Borough residents to choose between the two (2) logos. Councilmember Swist is concerned about the logo being original. Again, Mr. Smith said it should not be a concern. Mr. Hart will run a press release.

Police Headquarters Donation

Mr. Hart received word that the Borough will receive a donation towards the expansion of the Police Headquarters. The cost for the expansion including a new jail location and basement area is \$500,000. He received word that the donation would be \$300,000 subject to a Mayor and Council appropriation of \$200,000 and condition that it gets done as soon as possible. There are also air quality issues and it was recommended to replace HVAC units and the cost would be \$57,000. The improvements are necessary and should be done when the expansion is being done. Councilmember Lambrix asked if this is in the Capital Budget. Mr. Hart said he will get a proposal from our Architect and introduce the Capital Ordinance in July.

NEW BUSINESS

There is no new business to discuss at this time.

INTRODUCTION OF ORDINANCES ON FIRST READING

Motion made by Councilmember Kahwaty to take up Ordinance 1599 for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

Clerk reads by title

ORDINANCE 1599

**AN ORDINANCE AMENDING CHAPTER 42 “FIRE DEPARTMENT”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROVIDE
FOR JUNIOR MEMBERSHIP**

WHEREAS, Ordinance 1599 was introduced at a meeting of the Mayor and Council held on the 17th day of June 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 1599 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1599 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of July 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 1599; 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 Council President Ramsey. Discussion – Mr. Hart explained this authorizes a Junior Firefighter membership.

Roll Call Vote:

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

Motion made by Councilmember Lambrix to take up Ordinance 1600 for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Swist. On voice vote, all in favor.

Clerk reads by title

ORDINANCE 1600

**ORDINANCE TO APPROVE A FINANCIAL AGREEMENT WITH
FRANKLIN LAKES SUPPORTIVE HOUSING URBAN RENEWAL, LP**

WHEREAS, Ordinance 1600 was introduced at a meeting of the Mayor and Council held on the 17th day of June 2014;

NOWTHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1600 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1600 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of July 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 1600; 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 – Mr. Hart explained that this Ordinance provides for a payment in lieu of taxes.

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1601 for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Lambrix. On voice vote, all in favor.

Clerk reads by title

ORDINANCE NO. 1601

**A BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS
BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY
OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE
AMOUNT OF \$280,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF NOT EXCEEDING \$266,600 IN AGGREGATE PRINCIPAL**

**AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST
THEREOF.**

WHEREAS, Ordinance 1601 was introduced at a meeting of the Mayor and Council held on the 17th day of June 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 1601 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1601 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of July 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 1601; 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 Lambrix. Discussion – Mr. Hart explained that the Bond Ordinance is for the purchase of two (2) vehicles and for road improvements for Huron Road. Part of the work will be reimbursed by a grant.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

CLOSED SESSION

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, June 17, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Mountain Shadow Sewers
- Personnel – Tax Assessor
- Personnel – Tax Assessor Clerk
- Personnel – Construction Official
- Personnel – Municipal Finance Clerk

BE IT FURTHER RESOLVED, that the discussion conducted in closed session shall be disclosed to the public once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion to go into Closed Session was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting at 9:16 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Resolution 171-14
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 \$225,819.72 as shown on the Claims Bill List; \$2,780.25 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 172-14
Consent to Modification of Cell Tower Lease – Crown Castle

WHEREAS, by letter dated May 16, 2014, Crown Castle, on behalf of Sprint, has requested the consent of the Borough to the modification of Sprint's equipment at the wireless communications facility adjacent to the Police Headquarters;

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, in accordance with the letter dated May 16, 2014, the Borough hereby consents to the modification of Sprint's equipment at the wireless communications facility adjacent to the Police Headquarters; and,

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized and directed to sign the said May 16, 2014 letter as an acknowledgment of the Borough's consent; and,

BE IT FINALLY RESOLVED that a copy of this resolution be provided to Crown Castle.

Resolution 173-14
Facilities Use Request – Lions Club Circus

WHEREAS, the Franklin Lakes Lions Club has requested the use of McBride Field, for its Circus to be held September 14, 2014;

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 the Franklin Lakes Lions Club is hereby granted permission to use McBride Field for its Circus to be held September 14, 2014 subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Franklin Lakes Lions Club and the Recreation and Parks Director.

Resolution 174-14
Facilities Use Request – Wayne Christian Assembly Picnic

WHEREAS, the Wayne Christian Assembly has requested the use of Borough facilities, for its annual picnic to be held July 4, 2014;

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 the Wayne Christian Assembly is hereby granted permission to use Borough facilities for its annual picnic to be held July 4, 2014 subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Wayne Christian Assembly and the Recreation and Parks Director.

Resolution 175-14
Right of Way Agreement – Fibertech Networks

WHEREAS, Fiber Technologies Networks, L.L.C. (“Fibertech”), a New York limited liability company, with offices located at 300 Meridian Center, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBP”) in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintain and replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to Fibertech to occupy the public rights-of-way within the Municipality of this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon Fibertech’s continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough of Franklin Lakes that

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Municipality and providing liability and property damage insurance coverage.
3. The Mayor and Municipal Clerk are hereby authorized to execute the attached Agreement.
4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk

Resolution 176-14
2014-2015 Liquor License Renewal

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes approve the following A.B.C. Licenses for 2014-2015:

Franklin Lakes Indian Trail Club, Inc., 830 Franklin Lake Road
Lic. # 0220-33-002-001 at a fee of \$2,332.00

The Mountain Club, Inc., 845 Ewing Avenue
Lic. # 0220-33-006-001 at a fee of \$2,332.00

Endless Vine, LLC, PO Box 208 (Inactive License)
Lic. # 0220-33-001-006 at a fee of \$2,332.00

Vishant, Inc., 799 Franklin Avenue
Lic. # 0220-44-003-005 at a fee of \$2,332.00

Resolution 177-14
Authorize Advertisement for Bids – Portion of Huron Road

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator be authorized to advertise for bids for road improvements to a portion of Huron Road.

Resolution 178-14

Award Contract – ETA - Soccer K-Clinic

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for Soccer Training for K Clinic and 1st and 2nd grades; and

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

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

1. Elite Training Academy (ETA) 1 Tice Road, Franklin Lakes, NJ 07417 is hereby awarded a contract in the amount of \$8,700.00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

Resolution 179-14

Award Contract – Work Place Connections

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough shall enter into an agreement which is effective July 1, 2014 – July 1, 2016 for Drug and Alcohol Testing with Valley Health Medical Group, 15 Essex Road, Suite 504 Paramus, NJ 07652; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the agreement after review and approval by the Borough Attorney.

Resolution 180-14

Chapter 159 – Franklin Lakes Open Space Preservation, LLC

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes has received a \$47,905.11 donation from Franklin Lakes Open Space Preservation, LLC and wishes to amend its 2014 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2014 Budget in the sum of \$47,905.11 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:

Franklin Lakes Open Space Preservation, LLC

\$47,905.11

BE IT FURTHER RESOLVED that a sum of \$47,905.11 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

Franklin Lakes Open Space Preservation, LLC \$47,905.11

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 181-14

Chapter 159 – Thomas W. Murphy Jr. Fund

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes has received a \$114,000.00, 2014 Private Donation- The New York Community Trust – Thomas W. Murphy, Jr. Fund and wishes to amend its 2014 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2014 Budget in the sum of \$114,000.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:

2014 Private Donation- The New York Community Trust –

Thomas W. Murphy, Jr. Fund \$114,000.00

BE IT FURTHER RESOLVED that a sum of \$114,000.00 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

2014 Private Donation- The New York Community Trust –

Thomas W. Murphy, Jr. Fund \$114,000.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 182-14

Tax Refund – Schumacher Estates

WHEREAS, the property listed below filed an assessment appeal with the Tax Court of New Jersey and,

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2012, on 527 Commerce Street, homeowners Schumacher Estates

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of Skoloff & Wolfe, P.C., attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is authorized to issue a check in the amount listed below and to be charged against Tax Appeals.

<u>Block</u>	<u>Lot</u>	<u>Assessment Reductions</u>	<u>Refund</u>
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1404.01 15 \$473,200 (2012) \$ 7,254.16

Resolution 183-14

Authorize Mayor and Clerk to execute a Shared Services Agreement – Improvement to Woodside Avenue School Sidewalks

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 a Shared Services Agreement for the construction of sidewalk improvements adjacent to the Woodside Avenue Elementary School, after review and approval by the Borough Attorney.

Resolution 184-14

Change Order – Franklin Lakes Nature Preserve – Accessible Trails

WHEREAS, by Resolution #110-14 adopted on March 19, 2014, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$101,474.00 to Forcellati Bros., Inc., 691 Rivervale Road, River Vale, New Jersey, hereinafter referred to as “the Contractor”, for the Accessible Trail at the Franklin Lakes Nature Preserve; and,

WHEREAS, the Borough Engineer has submitted Change Order #1, which increases the amount of the contract by \$8,476.00 for an amended contract amount of \$109,950.00 which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #1 is hereby authorized and approved for the Accessible Trail at the Franklin Lakes Nature Preserve, for a contract increase of \$8,476.00 for a revised contract amount of \$109,950.00; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to Forcellati Bros., Inc, Boswell Engineering, and the Chief Financial Officer.

Resolution 185-14

Statement of Consent – Sanitary Sewer Extension Franklin Lakes Realty, LLC

WHEREAS, the property owner, Franklin Lakes Realty, LLC, must apply to the State of New Jersey Department of Environmental Protection for a Sanitary Sewer Extension Permit (TWA-1); and,

WHEREAS, the Borough Engineer has reviewed the plans and has determined that the project is in conformance with the requirements of all Borough ordinances,

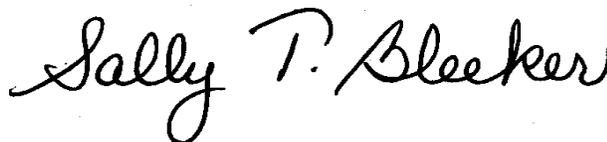
NOW THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Franklin Lakes that the Mayor is hereby authorized and directed to execute the Statement of Consent Form (WQM-003) on behalf of the Governing Body for the property known as 556 Colonial Road, Block 1411, Lot 2.

Resolution 186-14

Authorize Advertisement of Bid for Used Cab and Chassis

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator is hereby authorized to advertise for a used cab and chassis for the Department of Public Works.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk