

**MEETING OF THE MAYOR AND COUNCIL
JULY 1, 2014
7:30 P.M.**

A regular meeting of the Mayor and Council was held on July 1, 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, Council President Ramsey and Councilperson Swist. Also present were Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilperson Lambrix was absent this evening.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

- **Jean Bibbo –Tax Assessor Clerk**

Mr. Hart introduced Jean Bibbo who has been working in the Tax Assessor’s office for a brief time.

- **John Wittekind – Construction Official – Zoning Officer – Building Sub-Code Official – Term Expires 6/30/2018**

Mr. Hart introduced Mr. Wittekind and said that he is transitioning into the position at the moment and will begin full time employment on July 21st.

Councilperson Swist made a motion to appoint Jean Bibbo as Tax Assessor Clerk and John Wittekind as Construction Official, Zoning Officer and Building Sub-Code Official. Council President Ramsey seconded the motion.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist
Nays: None
Abstain:
Absent: Lambrix
Motion Approved

Mayor Bivona swore in Kelly Semrau and John Wittekind.

- **Kelly Semrau – Full Time Municipal Finance Clerk**
- **Edmund Brown – Tax Assessor – Unexpired Term Expires 6/30/2016**
- **Benjamin Ryan – Seasonal DPW**

Councilperson Kahwaty made a motion to appoint Kelly Semrau as Full Time Municipal Finance Clerk; Edmund Brown as Tax Assessor and Benjamin Ryan as Seasonal DPW worker. Councilperson Cadicina seconded the motion.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist
Nays: None
Abstain:
Absent: Lambrix
Motion Approved

ORDINANCE FOR FINAL READING AND ADOPTION

ORDINANCE 1598

**AN ORDINANCE AMENDING ORDINANCE NO. 1587 RELATING
TO SALARIES AND OTHER COMPENSATION OF EMPLOYEES
OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEAR 2014 TO
AMEND THE SALARY FOR BOARD OF HEALTH
SECRETARY/REGISTRAR**

Summary – This ordinance amends the salary for the Board of Health Secretary/Registrar

WHEREAS, an ordinance 1598 was introduced at a meeting of the Mayor and Council held on the 5th day of June, 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 1598 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. 1598 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.

Borough Clerk read the Ordinance by title only.

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

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

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist
Nays: None
Abstain:
Absent: Lambrix
Motion Approved

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Cadicina, seconded by Councilperson Kahwaty, all ayes.

No one from the public came forward at this time and Councilperson Cadicina made a motion to close the time for public comment, seconded by Councilperson Kelly, all ayes.

BOROUGH ENGINEER'S REPORT

- **Status Report**

Eileen Boland, of Boswell Engineering, came forward and referred to the Status Report dated June 26, 2014. Ms. Boland mentioned that the Road Program will begin around July 16th. She added that North Haledon does not have funds available in their budget to pave Reservoir Drive and it will be at the top of their list for 2015. The Council must decide whether to proceed with Reservoir Drive or to wait until next year when the cost can be split with North Haledon. If this were the case, there would be \$130,000 available to work on other roads this year. Hemlock Road \$(43,000), Valley View Drive (\$61,000) and Wooded Trail (\$137,000) are next in line for repair, repaving or patching. There was a long discussion about patching versus repaving and Mayor Bivona thought that available money should be used to pave an entire road rather than to patch several roads. Mr. Hart said that this will leave a significant number of roads in need of repairs. Mayor Bivona said that the paving of Reservoir Drive should be deferred until next year with the remaining funds being used for Hemlock Road and Valley View Drive. A review of the roads to be patched is needed. Several Councilmembers thought it would make sense to include Wooded Trail or Creole Trail if there are funds available. The entire Council agreed and Mayor Bivona said that Boswell Engineering will have some leeway in the decision making.

- **Orange & Rockland Road Opening Request**

Ms. Boland spoke about a letter dated June 17, 2014 from Orange and Rockland Electric concerning the opening of several roads to repair equipment. These road were recently repaved or repaired but these repairs are necessary due to intermittent power outages experienced by area residents. Mayor Bivona said that this is a legitimate request and this permission needs to be formalized through a resolution.

Mayor Bivona asked whether the Borough has submitted a DOT application relative to Huron Road. Ms. Boland said that applications are not being accepted at this time but Boswell Engineering will submit an application when the process opens again.

Resolution 188-14

CONSENT AGENDA RESOLUTION

BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Franklin Lakes. Full text of all consent agenda resolution can be found after the Adjournment.

Resolution 189-14 Accept Report of the Finance Committee
Resolution 190-14 Capital Budget Amendment
Resolution 191-14 Bergen County Open Space Grant Agreement

Resolution introduced by Councilperson Kahwaty. Seconded by Councilperson Kelly.
Discussion – None.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist
Nays: None
Abstain:
Absent: Lambrix
Motion Approved

MAYOR'S REPORT

Mayor Bivona reported that a 2% cap was passed for interest arbitration. This means that municipalities in New Jersey have a better opportunity to control awards.

COMMITTEE/LIAISON REPORTS

ADMINISTRATION AND FINANCE

- **Tax Assessor Ordinance**

Mr. Hart said that the ordinance states that the Tax Assessor shall be employed on a full time basis. The ordinance needs to be revised and the section describing hours of employment will be rescinded.

PUBLIC WORKS

- **Purchase State Contract – DPW Vehicle**

Councilperson Cadicina stated that they are working on the capital budget for the upcoming years. The DPW is moving forward with the purchase of a pick-up truck which will be made under State Contract.

Councilperson Cadicina reported that they are looking into the purchase of replacement storage containers to store equipment. This would help prolong the life of the equipment which is stored outside and subject to the elements as well as salt and other materials.

ENVIRONMENTAL & COMMUNITY AFFIARS

Councilperson Swist reported on resident's concerns regarding a pipeline from Albany, N.Y. to Linden, N.J. A member of the Environmental Committee was assigned the job of communicating with Oakland on this issue. Liz Morris was named the new chairperson of the Green Team. The Environmental Committee discussed the sale of large recycling bins to residents as well as the recycling video that appears on the Borough website. It is hoped that this video will be continually shown on the video screen at the Library.

Ms. Swist stated that the Seniors are holding their barbeque on July 16th. The new School Superintendent began employment with the Borough today.

- **Tree Removal Permit L&L Builders**
- **Tree Removal Permit L&L**

These permits were approved by the Council and a resolution will be placed on the July 15th agenda.

PLANNING & DEVELOPMENT

Councilperson Kahwaty reported on the Planning Board meeting. He said that the Board is awaiting a copy of the site plan and traffic study relative to the High Mountain Golf Club. Mayor Bivona stated that Boswell Engineering is meeting with the owners of the property to make sure that they are aware of what the Planning Board is looking for. Councilperson Kahwaty said that information has been sent to the Borough Planner for comment regarding the split zone at the Franklin Crossing Shopping Plaza since the revised zoning ordinance may inadvertently outlaw certain businesses.

- **Hold Harmless Agreement - Schwab**

Councilperson Kahwaty said that a recently approved plan by a homeowner has affected a municipal drainage easement therefore a Hold Harmless agreement became necessary between the homeowner and the Borough. Councilmembers agreed and this will be placed on the consent agenda.

- **Parking of Oversized Vehicles**

Mayor Bivona recalled that this pending ordinance was tabled at the last meeting because some residents felt that it was too restrictive. The entire ordinance has been provided to Councilmembers for review and Mayor Bivona pointed out that specific vehicles have been clearly defined. The ordinance notes that the purpose of a driveway is to house vehicles and vehicles must be parked in the driveway only. Mr. Smith recommended that “driveway” needs to be defined and probably should be referred to as a “paved driveway”. Mayor Bivona recapped stating that the vehicle must be located on a driveway and the size of the trailer allowed on a driveway has been increased to allow for 24 feet instead of 15 feet. Councilmembers discussed limits on the number of vehicles allowed in a driveway but agreed that this would be difficult to enforce.

After further discussion, Council President Ramsey suggested that the proposed ordinance be reviewed by the Zoning Officer. Mayor Bivona agreed and said that they will also look further into a definition of “driveway”. This will be listed on the July 15th agenda.

RECREATION AND PARKS

Councilperson Kelly reported that the football program has been adjusted to compensate for the fact that registration is down 10%. He was surprised to learn that registration for soccer is down by 15%. Despite the efforts relative to background checks, Councilperson Kelly continually finds people who do not agree with this program. Rutgers Training for coaches is scheduled for August 1st in Franklin Lakes.

Councilperson Kelly stated that the Dream Team, which is a Summer baseball program for special needs children, is working out well. This is a successful and well run program and Oakland is requesting to have their children included in this program.

Councilperson Kelly reported that this is the first time since his involvement with the Recreation Department that there are coaches in place, signed up and approved for every team for the upcoming fall season.

- **Facilities Use Permit – ETA Soccer Practice**

Mr. Hart said that this concerns the practices held at McBride Field throughout the month of July from 5:00 P.M. to 7:30 P.M. Half of the players reside in Franklin Lakes and Mayor Bivona said that this application will be on the July 15th agenda.

- **Ordinance 1586 – Criminal Background Checks**

Mayor Bivona said that Councilperson Kahwaty clearly explained the issue of background checks and the fact that a DWI cannot be expunged. However, after ten years the DWI charges don't count for enhanced sentencing purposes. The Recreation Committee decided that it would be prudent to include DWI in the definition; however, an individual would be eligible if a five year look back was positive. The Recreation Committee considered keeping the word “shall” or “may” in the ordinance. After some discussion, the Council stated the wording should be that an individual “shall” be excluded if that person's criminal history record background check reveals a record of conviction of crimes and offenses as defined in the ordinance. Mr. Hart indicated that he would prepare an amendment to be introduced on July 15th.

PUBLIC SAFETY

Council President Ramsey stated that they continue to meet concerning the hiring of a new police chief. There are more interviews scheduled for next week. Mr. Hart expects that they will have a report ready for discussion on July 15th. Mayor Bivona said that it would be wonderful if they could appoint a new chief upon retirement of the present chief at the end of July.

Mr. Hart reported on the remediation of Police Headquarters. They will be able to assess the situation after reviewing a report which should be received momentarily. There is a written commitment for the donation for the addition to the building along with a proposal from the architect. A capital ordinance will be needed to move forward with this project as quickly as possible which is in keeping with a condition of the donation.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart asked that Councilmembers respond to him if they are interested in attending the League of Municipalities conference.

Mr. Hart reported that they are continuing with the Synergy meetings every two weeks and more formal reports on progress will be forthcoming. He noted that there have been 848 responses to the Borough logo competition with 74% preferring the logo without the Indian. More information and a recommendation will follow.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

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, July 1, 2014 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Anticipated Litigation – Affordable Housing
- Personnel – DPW Superintendent

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 Cadicina at 8:53 P.M.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays: None

Abstain:

Absent Lambrix

Motion Approved

ADJOURNMENT

Motion by Councilperson Kahwaty to adjourn the meeting at 9:20 P.M. Councilperson Kelly seconded the motion.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays: None
Abstain:
Absent Lambrix
Motion Approved

Resolution 189-14

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 \$3,968,240.89 as shown on the Claims Bill List; \$1,308.00 as shown on the Soil Account Bill List and \$8,389.29 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of June 5, 2014 in the amount of \$207,598.20, the payroll of June 19, 2014 in the amount of \$218,030.11 be hereby ratified and approved.

Resolution 190-14

Attached to end of minutes

Resolution 191-14

Grantee Authorizing Resolution

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$28,619.00 matching grant award from the 2013 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Franklin Lakes Nature Preserve ADA Trail located at the Franklin Lakes Nature Preserve, Franklin Lakes, New Jersey on the tax maps of the Borough of Franklin Lakes;

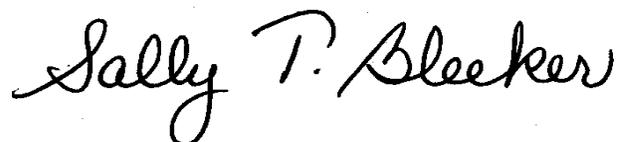
BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Frank Bivona to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 4, 2015; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk