

MEETING OF THE MAYOR AND COUNCIL

July 15, 2014

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, July 15, 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 (7:40 p.m.) 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

Charles Bohny Jr. – Lieutenant Franklin Lakes Fire Department

Motion to appoint Charles Bohny Jr. as a Lieutenant of the Franklin Lakes Fire Department was made by Councilmember Kahwaty, seconded by Councilmember Kelly.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Ramsey

Motion Approved.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1599

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

Summary – This ordinance will authorize junior firefighter memberships. This program has been in existence, but there has been no formal ordinance authorizing it.

WHEREAS, Ordinance 1599 was introduced at a meeting of the Mayor and Council held on the 17th day of June, 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 1599 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. 1599 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 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 Lambrix, seconded by Councilmember Kahwaty. 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, Swist

Nays:

Abstain:

Absent: Ramsey

Motion Approved.

ORDINANCE 1600

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

Summary – This ordinance authorizes a payment in lieu of taxes (PILOT) for the McCoy road special needs project.

WHEREAS, an ordinance 1600 was introduced at a meeting of the Mayor and Council held on the 17th 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 1600 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. 1600 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 Swist, 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 Kahwaty, seconded by Councilmember Cadicina. 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, Lambrix, Swist
Nays:
Abstain:
Absent: Ramsey
Motion Approved.

ORDINANCE 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.

Summary – This bond ordinance appropriates funds for the purchase of two DPW vehicles and for the improvement of a portion of Huron Road. The Borough will be reimbursed \$149,000 for the Huron Road project from a NJ Department of Transportation Municipal Aid Program grant.

WHEREAS, an ordinance 1601 was introduced at a meeting of the Mayor and Council held on the 17th 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 1601 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. 1601 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 Kahwaty. 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 Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Greg Hart, Borough Administrator, gave a run-down of the costs.

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 Kelly. On voice vote, all in favor.

Laurie Burnette – 860 Woodside Avenue. Mrs. Burnette wanted to know when the double yellow line will be painted back onto, recently paved, Huron Road. Mayor Bivona said he was not sure if they will be or when.

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

CONSENT RESOLUTION 192-14

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.

- Resolution 193-14 Accept Report of the Finance Committee
- Resolution 194-14 Award State Contract – DPW Vehicle
- Resolution 195-14 Road Opening Permit – Rockland Electric
- Resolution 196-14 Tree Removal Permit – Hanna
- Resolution 197-14 Tree Removal Permit – L&L Builders
- Resolution 198-14 Hold Harmless Agreement – Schwab
- Resolution 199-14 Facilities Use Permit – ETA Soccer
- Resolution 200-14 RIHS Generator Agreement – Verizon Wireless
- Resolution 201-14 Change Fund – Construction Department
- Resolution 202-14 Hazardous Discharge Site Remediation Fund Grant Application
- Resolution 203-14 Authorize Mayor to Sign Statement of Consent – Sanitary Sewer Extension Franklin Lakes Realty, LLC
- Resolution 204-14 Chapter 159 – Click It or Ticket Grant
- Resolution 205-14 Chapter 159 – Clean Communities Grant
- Resolution 206-14 Chapter 159 – Recycling Tonnage Grant
- Resolution 207-14 Chapter 159 – Drunk Driving Enforcement Fund Grant
- Resolution 208-14 Chapter 159 – Private Donation
- Resolution 209-14 Chapter 159 – Municipal Alliance Grant
- Resolution 210-14 Award Contract- Woodside Avenue School Sidewalk
- Resolution 211-14 Capital Budget Amendment
- Resolution 212-14 Award Contract Extension – Snowplowing Services

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

Roll Call Vote:

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

RESOLUTIONS

Resolution 213-14
Award Contract – DPW Used Truck Cab and Chassis

WHEREAS, the Borough of Franklin Lakes received one (1) bid for used truck cab and chassis - 2010 or newer (90,000 miles or less)

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

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

1. Coast Cities Equipment Sales Inc, 1201 Hwy #35 S, Neptune, NJ 07753 is hereby awarded a contract in the amount of \$63,980 .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 read by Mayor Bivona, introduced by Councilmember Cadicina and seconded by Councilmember Kelly. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Resolution 214-14

Change Order #2 – FLNP Accessible Trail

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 #2, which increases the amount of the contract by \$2,133.95 for an amended contract amount of \$112,083.95 which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #2 is hereby authorized and approved for the Accessible Trail at the Franklin Lakes Nature Preserve, for a contract increase of \$2,133.95 for a revised contract amount of \$112,083.95; 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 read by Mayor Bivona, introduced by Councilmember Kahwaty and seconded by Councilmember Kelly. Discussion – Greg Hart explained the reason for the change order. The Borough Engineer had suggested that the main trail be stabilized.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Resolution 215-14

Change Order #3 – FLNP Accessible Trail

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 #3, which increases the amount of the contract by \$5,260.00 for an amended contract amount of \$117,343.95 which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #3 is hereby authorized and approved for the Accessible Trail at the Franklin Lakes Nature Preserve, for a contract increase of \$5,260.00 for a revised contract amount of \$117,343.95; 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 read and introduced by Councilmember Kahwaty and seconded by Councilmember Kelly. Discussion – Greg Hart explained the reason for the change order. He explained that they are extending the path from the parking lot to the trail so that the grade is handicap accessible. This was also recommended by the Borough Engineer.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Cadicina and seconded by Councilmember Kelly:

- May 6, 2014 Work Session Meeting
- May 6, 2014 Closed
- May 20, 2014 Regular Meeting
- May 20, 2014 Closed
- June 5, 2014 Work Session
- June 5, 2014 Closed
- June 17, 2014 Regular Meeting
- June 17, 2014 Closed

Roll Call Vote:

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

Nays:

Abstain:

Absent: Lambrix – June 5, 2014 Work Session, June 5, 2014 Closed Session

Motion Approved.

Councilmember Kahwaty did ask for a correction to the June 17, 2014 Regular Meeting minutes.

OLD BUSINESS

Route 287 Sound Barrier

Councilmember Lambrix asked if there was any follow-up on the cost estimate for the sound barrier on Rt. 287. Mr. Hart said he did follow-up with Kevin Boswell and reminded him that we are still waiting for the estimates.

NEW BUSINESS

At this time, there is no New Business to discuss.

INTRODUCTION OF ORDINANCES ON FIRST READING

Motion made by Councilmember Kelly to take up Ordinance 1586-R for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Cadicina. On voice vote, all in favor.

Clerk reads by title

ORDINANCE 1586-R

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 AND ADDING DWI AS DISQUALIFYING OFFENSE

WHEREAS, Ordinance 1586-R was introduced at a meeting of the Mayor and Council held on the 15 day of July 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 1586-R be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1586-R will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of August 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 De Korte 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 1586-R; 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 – none.

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1593-R for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Cadicina. On voice vote, all in favor.

ORDINANCE 1593-R

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

WHEREAS, Ordinance 1593-R was introduced at a meeting of the Mayor and Council held on the 15th day of July 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 1593-R be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1593-R will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of August 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 De Korte 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 1593-R; 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 – Greg Hart explained that a driveway means paved or gravel. He also advised that the length of the recreational vehicle changed from 15 feet to 24 feet.

Roll Call Vote:

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

Motion made by Councilmember Kelly to take up Ordinance 1602 for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Kahwaty. On voice vote, all in favor.

ORDINANCE 1602

**AN ORDINANCE REPEALING PROVISIONS OF CHAPTER 71
“OFFICERS AND EMPLOYEES” OF THE CODE OF THE BOROUGH OF
FRANKLIN LAKES PERTAINING TO THE POSITION OF TAX ASSESSOR**

WHEREAS, Ordinance 1602 was introduced at a meeting of the Mayor and Council held on the 15th day of July 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 1602 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1602 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of August 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 De Korte 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 1602; 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 – none.

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1603 for consideration of introduction and direct the Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

ORDINANCE 1603

**A BOND ORDINANCE AUTHORIZING CAPITAL IMPROVEMENTS TO
POLICE HEADQUARTERS BY AND FOR THE BOROUGH OF
FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY,**

**APPROPRIATING AN AGGREGATE AMOUNT OF \$652,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$552,000 IN
AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO
FINANCE PART OF THE COST THEREOF**

• **Supporting Documentation**

WHEREAS, Ordinance 1603 was introduced at a meeting of the Mayor and Council held on the 15th day of July 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 1603 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1603 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of August 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 De Korte 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 1603; 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 – Greg Hart gave a run-down of the items in the bond.

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, July 15, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Police Chief

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 at 8:14 p.m. was made by Councilmember Kahwaty, seconded by Council President Ramsey. On voice vote, all in favor.

Upon return from Closed Session, Councilmember Kahwaty made a motion to appoint Carmine “Dean” Pezzuti as the new Chief of Police, effective August 1, 2014 subject to mutually agreeable terms. Motion was seconded by Councilmember Lambrix. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:
Absent:
Motion Approved.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution 193-14 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 \$392,790.96 as shown on the Claims Bill List; \$4,742.25 as shown on the Soil Account Bill List and \$88.00 as shown on the Developers Escrow List.

Resolution 194-14 Award State Contract – DPW Vehicle

WHEREAS, the Borough of Franklin Lakes wishes to purchase 1 2015 Ford F-350 XL for use by the Department of Public Works from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; 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, Route 23 Auto Mall, 1301 RT 23 South, Butler, NJ 07405 has been awarded New Jersey State Contract number T-2289 for 2015 Ford F-350 XL with an expiration date of 11/01/15; and

WHEREAS, the Superintendent of Public Works 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 1 Ford F-350 XL is \$43,375.00 including plow option; 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 1 2015 Ford F-350 XL with plow option be purchased from Route 23 Auto Mall, 1301 RT 23 South, Butler, NJ 07405

Resolution 195-14 Road Opening Permit – Rockland Electric

WHEREAS, paragraph D of Borough Code §425-15 provides that “[n]o street... constructed, reconstructed or repaved within three years of the time that the road is sealed can be excavated, built or patched except in the case of emergency...”; and,

WHEREAS, by letter dated June 17, 2014, Rockland Electric has requested permission to excavate Trailing Ridge Road, Shadow Ridge Road, Saddle Back Trail and Winton Gait Lane, some or all of which have been paved within the past three years; and,

WHEREAS, in support of said request, Rockland Electric has provided a detailed explanation of the urgent need for the work including risk of potential service interruptions, indicating that they have concerns for safety due to the condition of the cables to be replaced; and,

WHEREAS, the Mayor and Council are satisfied that the request constitutes an emergency as required by the applicable Borough Code provision;

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 Rockland Electric be and is hereby permitted to excavate streets as described in the June 17, 2014 letter; provided the Borough Engineer provides written confirmation that all reasonable efforts have been made to locate the replacement cables behind the curb, rather than within the street; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Rockland Electric, the Borough Engineer and Maria Berardi.

Resolution 196-14 Tree Removal Permit – Hanna

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, Robert Hanna, who is the owners of property located at 104 Oak Haven Lane, 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 May 14, 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 May 14, 2014 is hereby approved, and the tree removal application for 101 Sterling Drive 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 Robert Hanna, the Tree Specialist and the Shade Tree Commission.

Resolution 197-14 Tree Removal Permit – L&L Builders

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 and Developers Corp, who are the owners of property located at 800 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 June 12, 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 June 12, 2014 is hereby approved, and the tree removal application for 800 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 and Developers Corp., the Tree Specialist and the Shade Tree Commission.

Resolution 198-14 Hold Harmless Agreement – Schwab

WHEREAS, Julie M. Schwab, owner of 884 Hilltop Terrace Block 1404, Lot 32, in the Borough of Franklin Lakes, has applied to the Zoning Board of Adjustment for variance in connection with a plan entitled “Pool As-Built prepared for Julie M. Schwab 884 Hilltop Terrace Block 1404 – Lot 32, Borough of Franklin Lakes, Bergen County New Jersey” dated October 10,

2013, revised November 1, 2013, prepared by Michael Ritchie, L.S., Azzolina and Feury Engineering.

WHEREAS, the Zoning Board of Adjustment recommends that a Hold Harmless Agreement be executed as a condition of the grant of permission;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Clerk be authorized to sign a Hold Harmless Agreement with Julie M. Schwab, in a form prepared by the Zoning Board of Adjustment Attorney.

Resolution 199-14 Facilities Use Permit – ETA Soccer

WHEREAS, the Elite Training Academy (ETA) has requested the use of Borough facilities (McBride Field), for its Soccer practice to be held on July 1, 2014 through July 29, 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 ETA is hereby granted permission to use Borough facilities, for its Soccer practice to be held on July 1, 2014 through July 29, 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 ETA and the Recreation and Parks Director.

Resolution 200-14 RIHS Generator Agreement – Verizon Wireless

WHEREAS, as detailed in a draft Generator Use Agreement dated November 25, 2013, Verizon Wireless, has agreed to permit the Borough of Franklin Lakes to draw electricity from its generator located at Ramapo High School, as requested by the Borough, in accordance with the terms and conditions as set forth in the Agreement;

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 Mayor and Borough Clerk are hereby authorized and directed to execute a Generator Use Agreement with Verizon Wireless, substantially in the form of the November 25, 2013 draft Agreement, subject to review and approval by the Borough Attorney; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Verizon Wireless, the Franklin Lakes Police Department and the Borough Attorney.

Resolution 201-14 Change Fund – Construction Department

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, that a \$200.00 change fund for the Construction Department be and is hereby established; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Construction Department and the Chief Financial Officer.

Resolution 202-14 Hazardous Discharge Site Remediation Fund Grant Application

WHEREAS, the Borough of Franklin Lakes has conducted remedial investigation/remedial action activities with respect to the Former Haledon Department of Public Works (DPW), Block 70, Lot 5, North Haledon, of the Haledon Reservoir Acquisition;

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Economic Development Authority has a grant program available known as the Hazardous Discharge Site Remediation Fund (HDSRF);

WHEREAS, the HDSRF provides grants to municipalities to perform environmental investigations of these sites and the Former Haledon DPW, Block 70, Lot 5, North Haledon, is a site eligible to receive a grant from this Fund;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes hereby authorizes Boswell McClave Engineering to prepare a HDSRF grant application for the Former Haledon DPW, Block 70, Lot 5, North Haledon; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution will be forwarded to the New Jersey Economic Development Authority.

Resolution 203-14 Authorize Mayor to Sign 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 sewer extension in Colonial Road from the property known as 556 Colonial Road, Block 1411, Lot 2 to Franklin Avenue.

Resolution 204-14 Chapter 159 – Click It or Ticket Grant

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 \$3,762.04, 2014 Click It or Ticket Grant 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 \$3,762.04 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2014 Click It or Ticket Grant	\$3,762.04

BE IT FURTHER RESOLVED that a sum of \$3,762.04 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 Click It or Ticket Grant	\$3,762.04

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

Resolution 205-14 Chapter 159 – Clean Communities Grant

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 \$22,256.00 Clean Communities Grant 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 \$22,256.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:
Clean Communities Grant \$22,256.00

BE IT FURTHER RESOLVED that a sum of \$22,256.00 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:
Clean Communities Grant \$22,256.00

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

Resolution 206-14 Chapter 159 – Recycling Tonnage Grant

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 \$14,403.00 Solid Waste Administration - Recycling Tonnage Grant 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 \$14,403.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:
Solid Waste Administration -
Recycling Tonnage Grant \$14,403.00

BE IT FURTHER RESOLVED that a sum of \$14,403.00 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:	
Solid Waste Administration -	
Recycling Tonnage Grant	\$14,403.00

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

Resolution 207-14 Chapter 159 – Drunk Driving Enforcement Fund Grant

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 \$492.00, Drunk Driving Enforcement Fund Grant 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 \$492.00 which will be available as a revenue from:

Miscellaneous Revenues:	
Public and Private Programs Offset by Appropriations:	
Drunk Driving Enforcement Fund Grant	\$492.00

BE IT FURTHER RESOLVED that a sum of \$492.00 and the same is hereby appropriated under the caption of:

General Appropriations:	
(a) Operations Excluded from "CAPS":	
Public and Private Programs Offset by Revenues:	
Drunk Driving Enforcement Fund Grant	\$492.00

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

Resolution 208-14 Chapter 159 – Private Donation

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 \$200.00, Private Donation 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 \$200.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:
Private Donation \$200.00

BE IT FURTHER RESOLVED that a sum of \$200.00 and the same is hereby appropriated under the caption of:

General Appropriations:
(a) Operations Excluded from "CAPS":
Public and Private Programs Offset by Revenues:
Private Donation \$200.00

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

Resolution 209-14 Chapter 159 – Municipal Alliance Grant

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 \$120.00 Municipal Alliance Grant 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 \$120.00 which will be available as a revenue from:

Miscellaneous Revenues:
Public and Private Programs Offset by Appropriations:
Municipal Alliance Grant \$120.00

BE IT FURTHER RESOLVED that a sum of \$120.00 and the same is hereby appropriated under the caption of:

General Appropriations:
(a) Operations Excluded from "CAPS":
Public and Private Programs Offset by Revenues:
Solid Waste Administration -
Municipal Alliance Grant \$120.00

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

Resolution 210-14 Award Contract- Woodside Avenue School Sidewalk

WHEREAS, the Franklin Lakes Board of Education has requested the Borough solicit quotes for the replacement of the sidewalk extending approximately 350 linear feet from the Woodside Avenue School to Beechwood Place.

WHEREAS, the Borough will be reimbursed for this work by the Franklin Lakes Board of Education.

WHEREAS, the Borough Engineer, Boswell McClave Engineering, has received the following quotes for the necessary work:

1. Cifelli & Son General Construction, Inc.
81 Franklin Avenue

- | | |
|--|----------------------------|
| Nutley, New Jersey 07110 | Total Quote \$27,900.00 |
| 2. D.S. Meyer Enterprises, LLC
63 Longview Drive
Waldwick, New Jersey 07463 | Total Quote \$31,500.00 |
| 3. Diamond Construction
35 Beaverson Blvd
Brick, New Jersey 08723 | Total Quote \$32,400.00 |
- ; and,

WHEREAS, Borough Engineer Representative Kevin J. Boswell, P.E., has reviewed the quotes and recommends award of contract for this work to Cifelli & Son General Construction, Inc.; and,

WHEREAS, this work can be awarded without public bidding; and,

WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the Borough of Franklin Lakes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, Bergen County, New Jersey that a contract is hereby awarded to Cifelli & Son General Construction, Inc. in the amount of \$27,900.00 for the replacement of the sidewalk extending approximately 350 linear feet from the Woodside Avenue School to Beechwood Place.

Resolution 211-14 Capital Budget Amendment

- See Attached

Resolution 212-14 Award Contract Extension – Snowplowing Services

WHEREAS, by resolution adopted on November 7, 2013, the Mayor and Council of the Borough of Franklin Lakes awarded a contract for snowplowing services to Cipriano Enterprises Inc., PO Box 796, Franklin Lakes, New Jersey; and,

WHEREAS, the contract award permits the extension of the contract for two additional one year periods; and,

WHEREAS, based on overall satisfaction with the services provided, the Superintendent of Public Works has recommended the extension of the contract for an additional one year period, for the 2014/2015 winter season;

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 contract for snowplowing services with Cipriano Enterprises Inc., be and is hereby extended for an additional one year period, for the 2014/2015 winter season; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Cipriano Enterprises Inc. and the Superintendent of Public Works.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk