

**MEETING OF THE MAYOR AND COUNCIL
SEPTEMBER 2, 2014
7:30 P.M.**

A regular meeting of the Mayor and Council was held on September 2, 2014, in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professionals responded to the roll call: Mayor Bivona, Councilperson Cadicina, Councilperson Kahwaty, Councilperson Kelly, Councilperson Lambrix and Council President Ramsey, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilperson Swist was absent this evening.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

EAGLE SCOUT PRESENTATION

Ryan Teehan, 681 Dakota Trail, presented his Eagle Scout project which consists of the placement of two anchored benches at the Nature Preserve site in the area where the path turns in towards the water. Mayor Bivona stated that they need to agree on a location that will not disturb the new accessible trail which was recently completed. Councilperson Kelly suggested that the benches be used for as a memorial with the appropriate plaque for fund raising purposes. Mr. Teehan said that this project will take less than a week to complete and he hopes to have the work completed by the end of next week.

Councilperson Cadicina made a motion to approve the Eagle Scout project, seconded by Mr. Kelly, all ayes.

OPEN TIME FOR PUBLIC COMMENT

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

Laurie Burnette, Woodfield Road, asked for an update on the McCoy Road property. Mayor Bivona said that the process is moving forward and Mr. Smith is trying to finalize the agreement. Bergen County has contributed financial support for the project and the voucher program has been accepted. Mr. Hart noted that the plan has been revised slightly based on the traffic study and he will circulate the new layout which consists of six or seven buildings.

No one else 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 August 28, 2014. Ms. Boland referred to the paving of Huron Road which she hoped could be completed in November; however, several inspectors she has spoken to

have indicated that the contractors are very busy this season and they may not get as competitive a bid as the Borough would normally obtain. If the Borough is prepared to wait until the spring, the bids may be more competitive and delaying the work will have no impact on the grant money from the State. After some discussion, there was a consensus among Councilmembers to wait until early next spring before contractors get too busy. Mayor Bivona asked Ms. Boland to prepare a list of roads for the 2015 Road Program so the bid can go out early next year when contractors may be more anxious to begin road work.

Mayor Bivona reported that Bergen County is picking up the cost of the installation of the conduits at the traffic circle. The Borough had to cover the cost of police overtime to provide traffic control around the Circle. Mr. Hart is obtaining proposals for landscaping around the Circle which will be funded through Beautification Trust Fund money. Mayor Bivona said that proposals are needed on permanent lighting for the area. Mr. Hart stated that the Borough has received grant money in the amount of \$202,000 for improvements to sidewalks on Woodside Avenue. Council President Ramsey commented that Tanglewood Court is in deplorable condition most likely due to severe drainage problems. Mr. Hart said they are pressuring the County to do the necessary repairs which must be completed before the road can be paved.

Mayor Bivona recalled that the Council had approved an ordinance with conditions regarding the installation of solar panels. All applications for these panels are required to be approved by the Planning Board even if they comply with the ordinance. A homeowner has complained about this requirement and Mayor Bivona asked Mr. Smith to review the ordinance with the Planning Board attorney to consider whether this requirement could be removed. Ms. Boland explained that the reason the Planning Board is involved is because the plan being submitted is referred to as a “site plan” and under the ordinance any “site plan” requires Planning Board approval. Council President Ramsey asked who supplied the decals that have to be placed on homes with solar panels. The decals alert emergency services of the presence of the panels. Mr. Hart said that at some point the decals will be universal, however, that is not the case at this time and they are in the process of addressing these issues. Recommendations will be presented by the Fire Department at the next meeting.

Resolution 237-14
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 238-14	Accept Report of the Finance Committee
Resolution 239-14	Chapter 159 – Private Donation – McBride Agency, Inc
Resolution 240-14	Chapter 159 – Private Donation – Meyer Memorial Foundation
Resolution 241-14	Chapter 159 – Franklin Lakes Lions Club
Resolution 242-14	Authorize Advertisement for Bids - Road Improvements to a Portion of Huron Road

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

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey
Nays: None
Abstain: Kahwaty from Lions Club donation
Absent: Swist
Motion Approved

RESOLUTIONS

There were no resolutions this evening.

MAYOR'S REPORT

Mayor Bivona reported that several Councilmembers took part in training at the Fire Academy. The training included several drills and this experience has provided an enhanced appreciation of the professionalism and service of the Fire Department and its members. He thanked the Fire Department for allowing them to participate.

Mayor Bivona spoke about several wellness events including the Kids Biathlon, the Half Marathon and 5 K Run.

Mayor Bivona and Mr. Hart recently visited the County and to let them know that, in the Borough's opinion, it makes no sense that every municipality have its own dispatch system which competes with the County Dispatch system. Several municipalities have solicited Franklin Lakes to join their system which is a money maker for the individual municipalities. In order to avoid duplication, Mayor Bivona suggested that the County hold talks with the municipalities to come up with a way to save money while continuing to provide good service for the tax payers. Unfortunately, the County indicated that they were not interested in pursuing this line of thinking.

COMMITTEE/LIAISON REPORTS

PUBLIC SAFETY

- **Volunteer Recognition Policy**

Mr. Hart spoke about the Volunteer Recognition Policy and explained that the Committee is considering some enhancements for Borough. He referred to his memo of July 23, 2014 which outlined initiatives which would benefit Borough volunteers and include:

1. Free membership at the Franklin Lakes Community Center.
2. Increase in the maximum stipend to coincide with the LOSAP program maximum of \$1,500.
3. Increase insurance benefits to provide enhanced disability benefits.
4. Implementation of annual Mayor's Volunteer Award to be given to several individuals.

Mayor Bivona said that these enhanced benefits encompass a multi-faceted approach and he said he would welcome suggestions from all of the volunteer groups as well as Councilmembers. Mr. Hart recommended that the Mayor's Volunteer Award be given this year instead of waiting until 2015 and Councilmembers agreed.

- **Amendment to the Constitution of the FLFD**

This amendment to the Fire Department Constitution will be adopted by the Council at the meeting of September 16, 2014.

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

Councilperson Lambrix reported that the Capital Plan is moving forward along with the six year Debt Management Plan and he hopes to be in a position to present this information to Councilmembers in the near future.

- **Council Committee to Review Existing Ordinances**

Councilman Kahwaty suggested that the Council review existing ordinances from time to time to consider revisions or modifications to make the ordinances more efficient. Mr. Hart has contacted General Code Publishers who will provide an estimate of what this review would cost. Mr. Hart will report back to the Council with the estimate and what it would entail.

- **BMED Indemnity and Trust Agreement**

Mr. Hart explained that BMED is the health insurance provider and this is a three year indemnity and trust agreement which would allow the Borough to withdraw at any time upon 90 day's notice. He said that the rates are lower than the State Health Benefits Plan and there have been very few issues and complaints from employees relative to this plan. He recommended that the Council approve the three year extension of the agreement on September 16, 2014.

- **Synergy Task Force Report**

Joint Purchasing Agreement

Mr. Hart stated that the Synergy Task Force meets every two weeks and he said that they plan to make reports to the Council every quarter. The town, schools and the library have developed a shared online calendar and they have selected a vendor who has an excellent calendar program. This program will allow the website to display a combined calendar with information on school events with a sorting capability to give separate information on Borough events. The cost is slightly over \$500 for each entity and he recommended the creation of a joint purchasing system for cooperative purchasing. This agreement which will be listed on the September 16th agenda requires a resolution to be approved by the Mayor and Council. Mayor Bivona pointed out that the goal is to have the entities work together to save money; however, he anticipates only modest changes initially.

- **Designation of Bergen County Community Development Representatives**

Mr. Hart stated that Council President Ramsey is the current Council representative for Bergen County with Councilperson Kahwaty as the alternate. Mr. Hart is the Mayor's representative with the Mayor as the alternate. Councilmembers agreed to have these appointments remain the same for the upcoming year.

- **Bergen County Open Space Application**

Mr. Hart reminded everyone that the deadline for Bergen County Open Space grant applications is October 31st. They may want to make application under the Municipal Park Improvement Program for funding of approximately \$25,000 to \$30,000. He will ask the Engineering Office for their input.

PUBLIC WORKS

Mr. Hart stated that they are looking at a new design for the Borough Recycling Center near the DPW building. It would be fenced in on three sides with an open front area to allow for the entry of trucks. There will be stations for co-mingled paper, e-waste and heavy metal. The goal is to make the facility more user friendly with improved signage which will be funded through recycling tonnage grant money.

- **Sewer Utility Ordinance**

Mayor Bivona explained that the Borough has to create a Sewer Utility because it is responsible to collect funds and pay the bills relative to the sewers that are now being utilized. The users have to be billed by the Borough who acts as a transfer agent who in turn must pay the bill submitted from Northwest Bergen County Utilities Authority. An ordinance is the necessary step to establish the mechanism for the utility. Mr. Hart said that this is time sensitive because the Borough has to make sure it has the funds on hand to pay this bill including administration costs. The ordinance will require that the fee be reviewed on an annual basis. Councilmembers indicated agreement with this ordinance will be introduced on September 16th.

ENVIRONMENTAL & COMMUNITY AFFAIRS

Mr. Hart stated that the Borough is purchasing 50 gallon recycling bins to sell to residents at a discount during the Town Fair.

PLANNING & DEVELOPMENT

Councilperson Kahwaty reported that at the last Planning Board meeting the Toll Brothers plan for the Golf Course property was conditionally deemed complete subject to the reworking of the plan for the access road and the sewers. This information must be submitted and deemed complete by Boswell Engineering within 30 days to begin the public hearing process.

- **Rezoning Franklin Crossing Shopping Center**

Councilperson Kahwaty stated that the Planning Board via their attorney, John Spizziri, recommends the re-zoning of Franklin Crossing Shopping Center to RB-1 which was previously outlined by the Borough Planner. The Planner's reports point out that the Mayor and Council should redefine the RB zone as it relates to allowable business uses since the existing spa in this shopping center would be deemed a non-conforming use. Mr. Hart said he would contact the property owner's attorney in order to create a draft ordinance for consideration by the Council.

- **Deer Fences**

Mayor Bivona has researched this item further and found that the Borough of Alpine allows deer fences in the side and rear of properties but not at the front of a property. These fences are not allowed in the setback area and Mayor Bivona thought this might be a compromise for neighboring properties. Issues about deer are one of the most common complaints that he receives and he asked Councilmembers to consider this recommendation and provide feedback at a later meeting.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart had nothing to add to his written report which was submitted previously.

OLD BUSINESS

Council President Ramsey reported that car 306 has been retired. Mr. Hart will provide Councilmembers with a photo of the new car 306. The old police SUV is now being used by the Construction Official. The new police cars are black and white which is now the standard color for police vehicles in all municipalities.

Councilperson Lambrix asked for an update on the Franklin Lakes Community Center. Mr. Hart said that the agreement has been finalized and work on the additional building is scheduled to begin in September.

Council President Ramsey attended a service recognizing that the Franklin Lakes Methodist Church is the oldest church in the Borough. Also in attendance were five Fire

Department members and one Ambulance Corps member. She also attended and read a resolution at the OEM Thank You Picnic and she attended the Fire Department Family Picnic.

NEW BUSINESS

Ms. Bleeker, the Borough Clerk, stated that Wyckoff Parks and Recreation have applied for a One Day Liquor License for Oktoberfest.

RESOLUTION FOR CLOSED SESSION

Personnel – Police Dispatcher; Tax Appeal – LeBaron

Mr. Hart asked if a Closed Session was necessary since the Police Dispatcher was approved unanimously. No one had any questions regarding the Tax Appeal and Councilmembers agreed that a Closed Session was not necessary this evening.

ADJOURNMENT

Motion by Councilperson Kahwaty to adjourn the meeting at 9:30 P.M. Councilperson Kelly seconded the motion.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey

Nays: None

Abstain:

Absent Swist

Motion Approved

Respectfully submitted,



Sally T. Bleeker, Borough Clerk