

MEETING OF THE MAYOR AND COUNCIL
October 21, 2014
7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, October 21, 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 Kahwaty, Councilmember Cadicina, Councilmember Kelly, Councilmember Lambrix, Councilmember Swist and Council President Ramsey. 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

PROCLAMATIONS

**Honoring Councilman Charles J.X. Kahwaty
On Being Named Professional Lawyer Of The Year**

WHEREAS, Councilman Charles J.X. Kahwaty has been named the Honorable Peter Ciolino Professional Lawyer of the Year for 2014 by the Bergen County Bar Association and the New Jersey Commission on Professionalism in the Law; and,

WHEREAS, this prestigious award is given annually to the lawyer who, by virtue of their conduct, competence and demeanor, sets a positive example for others in the legal profession; and,

WHEREAS, the award is bestowed in memory of the Honorable Peter Ciolino, a distinguished judge and attorney with nearly 50 years of exceptional service to the profession; and,

WHEREAS, the award was presented to Charlie, as he is known to all, at a Bergen County Bar Association ceremony held on Tuesday, October 14; and,

WHEREAS, as aptly summed up by Oakland Mayor Linda Schwager in her presentation speech at the Bar Association ceremony, “In whatever capacity you have interacted with Charlie, meeting Charlie you always have the same opinion – a professional and a gentleman, who is diligent, compassionate, loyal, hard working, and someone who never says ‘No’”;

NOW THEREFORE, I, **FRANK BIVONA**, Mayor of the Borough of Franklin Lakes, on behalf of the Mayor and Council and the residents of the Borough, do hereby congratulate Councilman Charles J.X. Kahwaty on being named the Honorable Peter Ciolino Professional Lawyer of the Year for 2014;

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 21st day of October, 2014.

Living Healthy Week

WHEREAS, the goal of the Borough of Franklin Lakes Mayors Wellness Campaign is to get the Borough community exercising more, eating properly and living healthier and more active lifestyles; and,

WHEREAS, the Mayors Wellness Campaign will be holding its first annual Living Healthy Week, a program of wellness activities featuring programs and events held by various local businesses at locations throughout the Borough during the week starting Saturday, November 1; and,

WHEREAS, the “Kick Off Event” on November 1 will start with a walk with Mayor Frank Bivona around Municipal Field and continue with a variety of programs at the Franklin Lakes Stop & Shop; and,

WHEREAS, a featured event will be the “Living Healthy Fair” at the Recreation Center on Wednesday, November 5, the American Heart Association’s “National Eat Healthy Day”, which will include presentations and booths by local nutrition and fitness businesses; and,

WHEREAS, the events of Living Healthy Week will provide opportunities for the community to embrace and practice wellness;

NOW THEREFORE, I, **FRANK BIVONA**, Mayor of the Borough of Franklin Lakes, do hereby proclaim November 1 to 7, 2014 “LIVING HEALTHY WEEK” in the Borough of Franklin Lakes, and urge all citizens to participate in the wellness programs and events of this week;

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 21st day of October, 2014.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1605

AN ORDINANCE SUPPLEMENTING CHAPTER 390 “SEWERS AND SEWAGE DISPOSAL” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH A SEWER UTILITY

Summary – This ordinance establishes a mechanism for the Borough to charge and collect fees from sewer users.

WHEREAS, Ordinance 1605 was introduced at a meeting of the Mayor and Council held on the 16th day of September, 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 1605 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. 1605 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 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 Cadicina, seconded by Councilmember Kelly. 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.

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.

No one from the public came forward at this time.

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

CONSENT RESOLUTION 277-14

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 278-14 Accept Report of the Finance Committee
- Resolution 279-14 Stipulation of Settlement – Maura
- Resolution 280-14 Stipulation of Settlement – Huzien
- Resolution 281-14 Award Contract – Primitive Trail
- Resolution 282-14 Facilities Use Permit – English Pro Soccer
- Resolution 283-14 Amend VFW Parking Application – Limit Non-Residents
- Resolution 284-14 Amend Personnel Policy – Include Pregnancy
- Resolution 285-14 Chapter 159 – Becton Dickinson Donation
- Resolution 286-14 Authorize Bergen County Open Space Application
- Resolution 287-14 Award Contract – 2015 Borough Calendar

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

Roll Call Vote:

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

Nays:

Abstain: Kahwaty – Resolution 287-14

Absent:

Motion Approved.

RESOLUTIONS

Resolution 288-14

Award Contract – Dental Benefits to BMED

WHEREAS, the Borough of Franklin Lakes, hereinafter, the Borough, provides Group Dental Benefits to eligible employees, dependents and retirees; and

WHEREAS, the Borough has traditionally secured this benefit through a direct contract with Delta Dental of NJ; and

WHEREAS, the Borough’s Benefits Consultant has performed due diligence for the Borough and has secured more favorable rating for the existing plan of benefits through the Borough’s membership in the Bergen Municipal Employee Benefits Fund (BMED), where the Borough secures medical coverage for eligible employees, dependents and retirees; and

WHEREAS, securing dental benefits through the BMED's master contract with Delta Dental allows the municipality to secure the identical plan of benefits through the existing Delta Dental network, at a savings of approximately 10% over the current direct contract rates through Delta Dental of NJ Inc.; and

WHEREAS, the migration to BMED will be transparent to the employee with respect to the fact that Delta Dental will continue to manage the existing plan design(s) and provide the existing networks; this migration is predicated on the benefit to the Borough (and those participants that contribute toward the cost of their dental benefits) of the more favorable pricing afforded by the pooling of plan designs by member public entities of the BMED.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the Employee Dental Benefits Program contract currently with Delta Dental of New Jersey, Inc. will be secured with the Bergen Municipal Employee Benefits Fund (BMED) and will continue to be administered through Delta Dental of NJ; and

BE IT FURTHER RESOLVED, the level of benefits shall be equal to the existing level of benefits and that such change in delivery of said benefits shall become effective December 1, 2014 or as soon thereafter as administratively practical; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Mayor Bivona asked if this was available to the Borough before and if so, why the Borough did not take advantage of this before. Mr. Hart said he believes that this was not available to the Borough before but cannot be sure. He will try to find out.

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 Kahwaty and seconded by Councilmember Kelly:

- August 19, 2014 Regular
- August 19, 2014 Closed
- September 2, 2014 Work Session
- September 10, 2014 Special Meeting
- September 16, 2014 Regular
- September 16, 2014 Closed
- September 30, 2014 Special Meeting

Roll Call Vote:

Ayes: Cadicina (exceptions), Kahwaty, Kelly, Lambrix (exceptions), Ramsey, Swist (exceptions)
Nays:
Abstain: Cadicina – August 19, 2014 Regular and Closed, September 10, 2014 Special; Lambrix – September 16, 2014 Regular and Closed; Swist – September 2, 2014
Absent:
Motion Approved.

OLD BUSINESS

Best Practices

Greg Hart, Borough Administrator, gave a summary of the Best Practices check list. He also explained that a score of 80% or less would mean a deduction of a portion of State funding.

NEW BUSINESS

OEM Point Of Distribution Exercise

Mayor Bivona thanked Craig Goldman and Lynn Pagano for the OEM Point of Distribution exercise which was conducted over the weekend.

Aaa Rating

Greg Hart advised that the Borough has been reaffirmed to have an Aaa rating by Moody's. He also said that the Borough had two Bond sales as well. The low bond rates are attributed to the Borough's Aaa rating.

Volunteer Award

Mr. Hart also advised that 8 individuals and 2 organizations have been nominated for the Volunteer Award. The awards will take place in November.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1607 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1607

AN ORDINANCE AMENDING CHAPTER 300 "LAND USE AND DEVELOPMENT" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REZONE BLOCK 1410, LOT 1 AND BLOCK 1400, LOT 1.01 TO THE RB RETAIL BUSINESS DISTRICT AND SUPPLEMENTING PERMITTED USES IN THE RB RETAIL BUSINESS DISTRICT

WHEREAS, Ordinance 1607 was introduced at a meeting of the Mayor and Council held on the 21st day of October 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 1607 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1607 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 2014 at 7:30 PM in the morning or as soon thereafter as the matter can be reached in the Council Chamber 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 1607; 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 Cadicina. Discussion – none.

Roll Call Vote

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

Move to take up consideration of Ordinance 1608 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Cadicina, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE NO. 1608

**AN ORDINANCE SUPPLEMENTING PROVISIONS OF CHAPTER 356
“PARKS AND PUBLIC LANDS” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO REQUIRE APPROVAL BY
MAYOR AND COUNCIL OF USE OF FIELDS BY GROUP IIC USERS**

WHEREAS, Ordinance 1608 was introduced at a meeting of the Mayor and Council held on the 21st day of October 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 1608 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1608 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 2014 at 7:30 PM in the morning or as soon thereafter as the matter can be reached in the Council Chamber 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 1608; 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 Cadicina. Discussion – none.

Roll Call Vote

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

Move to take up consideration of Ordinance 1609 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Cadicina, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE NO. 1609

**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 SNOWPLOWERS**

WHEREAS, Ordinance 1609 was introduced at a meeting of the Mayor and Council held on the 21st day of October 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 1609 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1609 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 2014 at 7:30 PM in the morning or as soon thereafter as the matter can be reached in the Council Chamber 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 1609; 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 the increase of the snow plowers hourly rate from \$16.00 an hour to \$25.00 an hour.

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, October 21, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Collective Bargaining – AFSCME
- 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 to go into Closed Session at 8:03 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Roll Call Vote

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

Council returned from closed session at 8:19 PM. The following motion made by Councilmember Kahwaty seconded by Councilmember Kelly.

Mr. Brian Peterson, Superintendent of the DPW will retirement from the Borough on December 31, 2014. Borough will pay 50% of his medical and prescription coverage until he reaches the age 65 (5 years) as follows 50% of medical and prescription coverage at the family coverage level for a period of 2 years next following his retirement and for the remaining period time 50% of medical and prescription coverage at the husband and wife coverage level Mr. Peterson will waive any claims for compensatory time and execute an appropriate release.

Roll Call Vote

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

Mr. Kelly commented that the momentum of this retirement agreement was instituted by Mr. Peterson.

ADJOURNMENT

Motion to adjourn the meeting was made by Council President Ramsey, seconded by Councilmember Kelly. On voice vote, all in favor.

**Resolution 278-14
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 \$4,744,934.96 as shown on the Claims Bill List; \$476.00 as shown on the Soil Account Bill List and \$600.00 as shown on the Developers Escrow List.

**Resolution 279-14
Stipulation of Settlement – Maura**

WHEREAS, an appeal of the tax assessment for the year 2013 has been filed for the following property; and

**Block: 2605
Lot: 1.08
Street Address: 305 Sleepy Hollow Lane
Owner(s): David and Shannon Maura**

WHEREAS, an adjustment in the assessed value of the above property has been recommended by the tax assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land:	\$ 645,500	\$ 645,500
Improvements:	\$2,225,800	\$1,954,500
Total:	\$2,871,300	\$2,600,000

**Resolution 280-14
Stipulation of Settlement – Huzien**

WHEREAS, an appeal of the tax assessment for the years 2012, 2013, and 2014 has been filed for the following property; and

Block: 1601.02
Lot: 1.11
Street Address: 310 Rock Ridge Court
Owner: Diane and Mohammed Huzien

WHEREAS, an adjustment in the assessed value of the above property has been recommended by the tax assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 567,600	\$ 567,600
Improvements	\$1,521,900	\$1,432,400
Total	\$2,089,500	\$2,000,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 567,600	\$ 567,600
Improvements	\$1,521,900	\$1,432,400
Total	\$2,089,500	\$2,000,000

Tax Year: 2014

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 567,600	\$ 567,600
Improvements	\$1,521,900	\$1,432,400
Total	\$2,089,500	\$2,000,000

**Resolution 281-14
Award Contract – Primitive Trail**

WHEREAS, the Borough Engineer solicited proposals from several qualified contractors for the construction of the Primitive Trail, a trail network augmenting the existing trails located behind Borough Hall; and,

WHEREAS, the Borough Engineer recommends that the contract for construction of the Primitive Trail be awarded to the New York-New Jersey Trail Conference, 156 Ramapo Valley Road, Mahwah, New Jersey, the only contractor that submitted a proposal, for the proposal amount of not to exceed \$36,000;

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 Borough Engineer is approved and the contract for construction of the Primitive Trail be and is hereby awarded to the New York-New Jersey Trail Conference for the proposal amount of not to exceed \$36,000; and,

BE IT FURTHER RESOLVED that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the payments authorized in this resolution as an express and mandatory condition of the award of this contract; and,

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

Resolution 282-14
Facilities Use Permit – English Pro Soccer

WHEREAS, the English Pro Soccer has requested the use of Borough facilities (Pulis Field), for its Soccer Camp to be held on November 6, 2014 and November 7, 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 English Pro Soccer is hereby granted permission to use Borough facilities, for its Soccer Camp to be held on November 6, 2014 and November 7, 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 English Pro Soccer and the Recreation and Parks Director.

Resolution 283-14
Amend VFW Parking Application – Limit Non-Residents

WHEREAS, Borough Code §347-4 provides, in pertinent part, that “[a] certain number of parking tags, as determined by the Mayor and Council, shall be made available to nonresidents on a first-come-first-served basis” for the Veterans Plaza parking lot; and,

WHEREAS, the Mayor and Council are desirous of amending the number of parking tags to be made available to non-residents from 35 parking tags to 25 parking tags;

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 number of parking tags to be made available to non-residents for the Veterans Plaza parking lot shall be 25 parking tags; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Borough Clerk.

Resolution 284-14
Amend Personnel Policy – Include Pregnancy

Additions in *italics*

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that paragraph 3 “Anti-Discrimination Policy” of the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

3) Anti-Discrimination Policy.

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, *pregnancy*, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Administrator, or the Labor Attorney.

BE IT FURTHER RESOLVED that the first paragraph of paragraph 9 “General Anti-Harassment Policy” of the Borough’s Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

9) General Anti-Harassment Policy.

It is the Borough’s policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, *pregnancy* and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal, written, printed or physical conduct.

BE IT FURTHER RESOLVED that the fifth paragraph of paragraph 30 “Communications Media Policy” of the Borough’s Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

30) Communications Media Policy.

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

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

Resolution 285-14

Chapter 159 – Becton Dickinson 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 \$12,000.00, 2014 Private Donation- Becton Dickinson & Company 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 \$12,000.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2014 Private Donation- Becton Dickinson & Company – Franklin Lakes Fire Department	\$6,000.00
2014 Private Donation- Becton Dickinson & Company – Franklin Lakes Ambulance Squad	\$6,000.00

BE IT FURTHER RESOLVED that a sum of \$12,000.00 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- Becton Dickinson & Company – Franklin Lakes Fire Department	\$6,000.00
2014 Private Donation- Becton Dickinson & Company – Franklin Lakes Ambulance Squad	\$6,000.00

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

Resolution 286-14
Authorize Bergen County Open Space Application

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Franklin Lakes desires to further the public interest by obtaining a matching grant of \$14,906.00 from the County Trust Fund to fund the following project: Outdoor Fitness Equipment at Municipal Field; and,

WHEREAS, the Mayor and Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the Mayor and Council will receive public comments on the proposed park improvements in the application on November 6, 2014; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date;

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 Borough Administrator is

hereby authorized to submit the above completed project application to the County by the deadline of **October 31, 2014**, as established by the County; and,

BE IT FURTHER RESOLVED that, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Franklin Lakes has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes is committed to providing a dollar for dollar cash match for the project; and,

BE IT FURTHER RESOLVED that only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

Resolution 287-14

Award Contract – 2015 Borough Calendar

WHEREAS, the Borough Administrator solicited proposals for the layout, design and printing of the 2015 Borough calendar and the printing of the recycling newsletter, Resident Handbook, Borough map, Mayor's letter, and envelope for the year end mailing, as well as the collating of all materials, and three proposals were obtained; and,

WHEREAS, the Borough Administrator recommends that the contract for the layout, design and printing of the 2015 Borough calendar and the printing and collating of all other items in the year end mailing be awarded to Alphagraphics, 95 Greenwood Avenue, Midland Park, New Jersey, for the proposal amount of \$10,810.87, based on price and other factors; and,

WHEREAS, the recommendation is to award the contract to Alphagraphics, even though its proposal was \$65.87 more than the lowest proposal, because of favorable past experience with Alphagraphics; and,

WHEREAS, this cost will be offset entirely by the sale of advertisements within the calendar and Resident Handbook, and Clean Communities grant funding (if needed);

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 Borough Administrator is approved and the contract for the layout, design and printing of the 2015 Borough calendar and the printing and collating of all other items in the year end mailing be and is hereby awarded to Alphagraphics, for the proposal amount of \$10,810.87; and,

BE IT FURTHER RESOLVED that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the payments authorized in this resolution as an express and mandatory condition of the award of this contract; and,

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

Respectfully submitted,



Sally T. Bleeker, Borough Clerk

