

**MEETING OF THE MAYOR AND COUNCIL
NOVEMBER 6, 2014
7:30 P.M.**

A regular meeting of the Mayor and Council was held on November 6, 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 Kahwaty (via phone), Councilperson Kelly, Council President Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilperson Cadicina and Councilperson Lambrix were absent this evening.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENT

- **Omar Elrafei – Environmental Commission Alternate #2 - Term to expire 12/31/14**

Councilman Kelly made a motion to appoint Omar Elrafei as Alternate #2 on the Environmental Commission. Council President Ramsey seconded the motion.

Roll Call Vote

Ayes: Kahwaty, Kelly, Ramsey, Swist

Nays: None

Abstain:

Absent: Cadicina, Lambrix

Motion Approved

PROCLAMATION

There were no Proclamations this evening.

PUBLIC HEARING BERGEN COUNTY MUNICIPAL PARK IMPROVEMENTS

Mr. Hart explained that this is a public hearing relative to the application for the grant for the outdoor fitness equipment. The Borough is seeking the amount of \$14,905 from the Bergen County Open Space Municipal Improvements Grant. The total amount of the project is \$58,325. The match is being funded by donations to the Mayor's Wellness Trust Fund. The plan calls for eight pieces of outdoor equipment to be located on Municipal Field. Bergen County Open Space has indicated that the Borough can proceed with the work while the application is pending and Mr. Hart is certain that the grant will be successful.

Councilperson Kahwaty made a motion to open the public hearing. Councilperson Kelly seconded the motion, all ayes. No one from the public came forward to comment and Councilperson Swist made a motion to close the public hearing. Council President Ramsey seconded the motion, all ayes.

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Kelly, seconded by Council President Ramsey, all ayes.

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

BOROUGH ENGINEER’S REPORT

• **Status Report**

Eileen Boland, of Boswell Engineering, introduced herself. Mr. Hart spoke about the NJDOT grants for Huron Road and Woodside Avenue. He noted that the appropriations include a 10% grant fee for the Borough professionals which is included in the ordinance. Ms. Boland spoke about the Colonial Road sewer project and said that the water line laterals were never mapped properly. The water must be turned off in order to do the repairs. Mayor Bivona asked how long the project would be ongoing and Mr. Hart said to expect the repairs to take six to eight weeks. Ms. Boland will try to get more specific information that can be passed on to residents and businesses in the area.

Mayor Bivona questioned the status at 635 Kuliana Court. Ms. Boland said that the new owners want to do the work and they have submitted a plan showing a berm extending to the outlet. Mayor Bivona said that the DPW will prepare an assessment of the roads relative to the 2015 Road Improvement program. This will be submitted to Boswell Engineering. Ms. Boland said that they need to have the list ready for bidding in December or January. Mr. Hart said that the DPW list consists of twenty seven roads.

Council President Ramsey asked about the drainage work on Tanglewood Court. Ms. Boland has continued to contact the County for updates on the situation and they have assured her that this work is on their list but it hasn’t been studied yet. She has stressed to the County that this condition is a strain on the town. Mr. Hart stated that there is a pre-construction meeting on the Primitive Trail scheduled for November 12th.

• **Reduce Speed Limit Zone**

Council President Ramsey recalled that a resident had expressed concern about the speed limit on Franklin Lakes Road between the Traffic Circle and Colonial Road. The Mayor indicated that he was concerned about the speed from the Circle into Wyckoff. Ms. Boland said that the Borough can make a written request to the County detailing the reasons why the speed limit should be lowered. There was a discussion relative to what the speed should be from the Wyckoff border to the Traffic Circle. Although some Councilmembers thought the speed limit should be lowered to 25 mph from 40 mph, Mayor Bivona thought that speed might be too low. He asked everyone to think about it and it was agreed to continue the discussion at the next meeting.

**RESOLUTION 289-14
CONSENT AGENDA**

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 290-14 Accept Report of Finance Committee
- Resolution 291-14 Chapter 159 – Drunk Driving Enforcement Fund
- Resolution 292-14 Award Contract Outfit Police Cars
- Resolution 293-14 Budget Transfer

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

Roll Call Vote

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

RESOLUTIONS

There were no resolutions this evening.

MAYOR'S REPORT

There was no report this evening.

COMMITTEE/LIAISON REPORTS

PLANNING & DEVELOPMENT

Mayor Bivona reported on the Planning Board Meeting which included an introduction to the golf course project by the Toll Brothers. The engineer provided a thorough description of the project and there was a discussion relative to special meetings that will have to be scheduled to accommodate this application. A special meeting has been scheduled for December 10th and this application will also be heard at the December 17th meeting.

- **State Property to be Sold**

Mr. Hart stated that there is approximately 8/10ths of an acre of property owned by the State which is located between Shadow Ridge Road and Bridle Way adjacent to the highway. The State hopes to sell the property, and by law, they must offer the property for sale to the municipality for “public purpose”. The Council must decide if they are interested in purchasing this tract. Mr. Hart will find out who owns the adjacent property and report back to the Council at the next meeting.

- **Deer Fences**

Mayor Bivona said that he had supported this idea in the past; however; after speaking to quite a few people he now thinks deer fences would not be very effective. This is due to the smaller lot sizes in Franklin Lakes as opposed to five acre lot sizes that are common in Alpine. Because residents and Planning Board members agree that this is not the remedy for the deer problem, Mayor Bivona suggested that this matter be tabled.

- **Vacant Property Maintenance Ordinance**

Mr. Hart said that there is a new law which permits municipalities to pass ordinances relative to the regulation, care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties in which a foreclosure action has been filed. Mr. Smith stressed that this would only apply in the case where a complaint and foreclosure has been filed. Mayor Bivona indicated his support for this type of ordinance because it gives the municipality opportunities to remedy unsafe situations. Mr. Hart will prepare an ordinance for the next work session.

RECREATION AND PARKS

Councilperson Kelly reported that a complaint has been received relative to last year's decision not to schedule practices or games on Jewish Holidays. One of the coaches is now complaining about this decision because there are no Jewish children on his team.

Councilman Kelly feels that this complaint is unfounded and the decision should be upheld.

PUBLIC SAFETY

- **Volunteer Recognition Policy**

Franklin Lakes Volunteer Ambulance Corps – Stipends & Disability Coverage – Mr. Hart explained that the Ambulance Corps makes annual payments of approximately \$10,000 for responses to general alerts. The Ambulance Corps also pays a type of disability benefit and it was suggested that the Borough provide an enhancement to the Borough’s disability benefit. The cost to the Borough of this enhanced disability would be in the range of \$4,000 annually. Mr. Hart reminded Councilmembers of the increase in the stipend from \$1,500 to \$1,589. Mayor Bivona reviewed the enhancements involved in volunteering for the community which include the Volunteer Recognition Program, a stipend, enhanced insurance and membership at the community center. Mr. Hart said a resolution is required for the stipend increase which will be scheduled for the 2015 Reorganization Meeting. Upon questioning by Council President Ramsey, Mr. Hart said that similar programs are in place for the Fire Department and the Office of Emergency Management.

Council President Ramsey suggested a requirement for sprinkler systems in residential homes of a certain size. After a short discussion, Councilmembers decided against this type of requirement.

Mr. Hart spoke about a request from the PBA to increase the private duty rate which is set by ordinance. This is the amount paid to police officers by private contractors for traffic control, etc. The PBA has submitted data to support this request and Mr. Hart is checking on the rates charged by other Northwest Bergen municipalities. The PBA states that the rates paid to Franklin Lakes Police Officers is one of the lowest in the area. Mr. Hart will present his findings at the next work session.

ADMINISTRATION AND FINANCE

- **Borough Code Review**

Mr. Hart referred to his memo and stated that these are non-controversial ordinance changes. Four changes are recommended and can be ready for introduction next week. The Council discussed efficient ways to review and make changes to these ordinances. Mr. Hart said he would like to work through the ordinances in a piece meal fashion; however, Mr. Smith and other Councilmembers disagreed. Mr. Hart said that they need more time to consider the most efficient way to go forward.

PUBLIC WORKS

- **Sewer Connection – Colonial Road Ordinance**

This ordinance would establish a sewer district and would amend the sewer connection fee for all of the properties along Colonial Road. The ordinance will be introduced next week. Mr. Hart stated that he will be meeting with the property owners on Harriet, Connie, Ackerman and Sunset along with the contractor in order to consider their options and the cost involved for sewer hook-up.

ENVIRONMENT AND COMMUNITY AFFAIRS

The Environmental Commission is considering drafting a resolution relative to the Pilgrim Pipe line. The Commission is in the process of gathering more information at this time.

- **Tree Removal Permit – 637 Winding Hollow**
- **Tree Removal Permit -901 Pinecroft Court**

Councilmembers agreed to the tree removal permits and they will be placed on the Consent Agenda.

- **Stigma Free Zone Resolution**

Mayor Bivona stated that the Municipal Alliance addresses drug and alcohol abuse by minors. There is a concern that drug and alcohol abuse could be attributed to some type of mental illness. Stigma free zones raise awareness of mental illness being a treatable disease and these types of resolutions have been adopted in some municipalities. Mayor Bivona supports the adoption of a resolution which will focus on and publicize this issue through the schools, the Municipal Alliance and the Mayor's Wellness Program. Councilmembers agreed and a resolution will be listed for the meeting next week.

- **Smoking in Public Place Ordinance**

Draft Ordinance – Mr. Hart said that the existing ordinance is limited in scope especially in respect to public fields. Smoking is prohibited on any recreational field but this prohibition doesn't apply to parking areas surrounding recreational fields. The new ordinance would extend to all parks and recreational fields and surrounding areas including parking lots. This revised ordinance makes the prior ordinance broader in scope. Several Councilmembers asked why there isn't a ban on smoking on all public property which would include the firehouse, library, recreation centers, etc.

Mayor Bivona asked for a consensus on banning smoking in parks and all Councilmembers indicated they would be in favor of a smoking ban in parks. He asked about a smoking ban in all public places and Councilmembers present were in favor of the ban in all Borough owned places. After some discussion, it was agreed that the absent Councilpersons should be allowed to voice their opinions.

Mr. Smith asked if Councilmembers want to be on the cutting edge and ban smoking in multi-family dwellings. This issue came up as a result of a complaint relative to Horizons. After a lengthy discussion, it was decided not doing anything at this time and Mr. Hart will send a letter to Horizon asking them to address the complaints about smoking that have been received by the Borough.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart stated that he has not report this evening.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

INTRODUCTION OF ORDINANCES ON FIRST READING

A motion was made by Councilperson Swist to have the Clerk read Ordinance No. 1610 by title only. Council President Ramsey seconded the motion, all ayes.

The Clerk read Ordinance 1610 by title.

Councilperson Kelly made a motion for Mayor Bivona to read the resolution. Council President Ramsey seconded the motion.

Roll Call Vote

Ayes: Kahwaty, Kelly, Ramsey, Swist
Nays: None
Abstain:

Absent: Cadicina, Lambrix
Motion Approved

RESOLUTION FOR CLOSED SESSION

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Thursday, November 6, 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

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

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

Motion by Councilperson Swist, seconded by Council President Ramsey at 9:18 P. M.

Roll Call Vote

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

ADJOURNMENT

Motion by Councilperson Swist to adjourn the meeting at 9:35 P.M. Councilperson Kelly seconded the motion.

Roll Call Vote

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

Resolution 290-14

RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the report of the Finance Committee be accepted and recommendations adopted; that the report be made part of the record of this meeting; and the proper Borough Officials are hereby authorized and directed to issue warrants in the amount of \$4,200,637.28 as shown on the Claims Bill List; \$0.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of October 9, 2014 in the amount of \$203,875.91, the payroll of October 23, 2014 in the amount of \$200,272.33 be hereby ratified and approved.

Resolution 291-14

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 \$2,709.10, 2014 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 \$2,709.10 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2014 Drunk Driving Enforcement Fund Grant	\$2,709.10

BE IT FURTHER RESOLVED that a sum of \$2,709.10 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 Drunk Driving Enforcement Fund Grant	\$2,709.10

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

Resolution 292-14

WHEREAS, the Borough of Franklin Lakes wishes to purchase Patrol Vehicle Equipment for two (2) Police Department Vehicles car #303 and car #311 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, Murphy Communications and Emergency Lights LLC, 605 Montgomery Road, Hillsborough, NJ 08844 has been awarded New Jersey State Contract number 81334 for various Patrol Vehicle Equipment; and

WHEREAS, the Police Chief 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 is \$6,631.91 for vehicle #303 and \$8,113.51 for vehicle #311 for a total cost of \$14,744.70; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase,

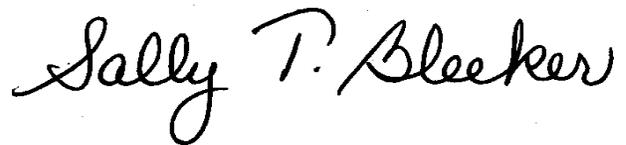
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that Patrol Vehicle Equipment for two (2) Police Department Vehicles car #303 and #311 be purchased from Murphy Communications and Emergency Lights LLC, 605 Montgomery Road Hillsborough, NJ 08844

Resolution 293-14

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the following 2014 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Public Employees Retirement System	33,000	
Police/Fire Retirement System	37,000	
Tax Collection O/E – Est Tax Bills	5,000	
Assessment of Taxes O/E-Appraisal Svs	20,000	
Legal – Tax Appeals	11,500	
Unemployment Insurance	5,000	
To		
Administration O/E-Office Equip/Maint		8,000
Finance O/E - Bond Issue Costs		25,000
Audit Services - Miscellaneous		5,500
Engineering – Professional Services		5,000
Fire Department – Safety Equipment		20,000
Vehicle Maintenance		45,000
Street Lighting		3,000
	<u>111,500</u>	<u>111,500</u>

Respectfully submitted,



Sally T. Bleeker, Borough Clerk