

MEETING OF THE MAYOR AND COUNCIL
November 12, 2014
7:30 P.M.

A regular meeting of the Mayor and Council was held on Wednesday, November 12, 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

Council President Ramsey asked that the Mayor, Council and audience reflect on the life of Congresswoman Margaret "Marge" Roukema who passed away today.

MAYOR'S VOLUNTEER AWARD HONOREES

At this time, Mayor Bivona recognized the following individuals with the Mayor's Volunteer Award for 2014:

Dawn Altamuro	Lynn Pagano
Christine Christopoul	Cedric Perkins
Thomas Donch	Dina Robinson
Craig Goldman	Jacqueline Veliky
Julius Lauber	Regina Venner

WHEREAS, the Borough of Franklin Lakes recognizes that volunteerism is an integral part of the Borough's success, without which our many emergency services, recreational, educational and community programs would cease to exist; and,

WHEREAS, volunteers have given their time tirelessly throughout the years to benefit the residents of Franklin Lakes; and,

WHEREAS, volunteers provide services and fill the needs of many that would otherwise not be met; and,

WHEREAS, we owe our volunteers our gratitude and respect; and,

WHEREAS, the 2014 Mayor's Volunteer Award recognizes those who have given so selflessly of their time and talent in service to others; and,

WHEREAS, the following individual has been chosen as a recipient of the 2014 Mayor's Volunteer Award in recognition of her extraordinary volunteer service:

APPOINTMENTS

Officer James Economou – Permanent Appointment to Police Department

Motion to appoint Officer James Economou as a permanent Police Officer of the Franklin Lakes Police Department was made by Council President Ramsey and seconded by Councilmember Kahwaty.

Roll Call Vote:

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

Anthony J. DeCotiis – Franklin Lakes Vol. Fire Dept. - Junior Member

Motion to appoint Anthony J. DeCotiis to the Franklin Lakes Volunteer Department as a Junior Member was made by Councilmember Cadicina and seconded by Councilmember Kahwaty.

Roll Call Vote:

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

ORDINANCES FOR FINAL READING AND ADOPTION

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

Summary – This ordinance eliminates the split zoning at Franklin Crossing so that the whole parcel will be in the RB Retail Business District and supplements the permitted uses in that district consistent with the current uses at Franklin Crossing.

WHEREAS, Ordinance 1607 was introduced at a meeting of the Mayor and Council held on the 21st day of October, 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 1607 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. 1607 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Cadicina. 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 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, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCE 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

Summary – This ordinance amends the facilities use approval process to require the Mayor and Council to approve Group IIC users – organized teams with less than 20% Franklin Lakes residents.

WHEREAS, Ordinance 1608 was introduced at a meeting of the Mayor and Council held on the 21st day of October, 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 1608 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. 1608 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 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 Lambrix. 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.

ORDINANCE 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

Summary – This ordinance amends the provisions of the salary ordinance pertaining to snowplowers by establishing the rate of \$25 per hour for those hired to snowplow and establishes \$25 per hour as floor rate for DPW workers when others are hired to snowplow.

WHEREAS, Ordinance 1609 was introduced at a meeting of the Mayor and Council held on the 21st day of October, 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 1609 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. 1609 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 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 Lambrix, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Greg Hart said the DPW has provided a list of qualifications for the hiring of outside snowplowers.

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 Kahwaty. On voice vote, all in favor.

CONSENT RESOLUTION 294-14

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 295-14 Accept Report of the Finance Committee
- Resolution 296-14 Interlocal Agreement – TV Inspection with NBCUA
- Resolution 297-14 Interlocal Agreement – Sanitary Sewer Cleaning with NBCUA
- Resolution 298-14 Tree Removal Permit – 637 Winding Hollow
- Resolution 299-14 Tree Removal Permit – 901 Pinecroft Court

At this time, resolutions Stigma Free Zone and Capital Budget Amendment were removed from Consent. The resolution Stigma Free Zone will be moved to the December 2, 2014 Mayor and Council meeting.

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.

RESOLUTION

**Resolution 300-14
Capital Budget Amendment**

- Full text can be found after the Adjournment

Councilmember Lambrix questioned the date of the adoption as it appears on the Capital Budget Amendment resolution. Mr. Hart advised that the date on the Capital Budget Amendment is a typo and will be corrected.

Resolution read and introduced by Councilmember Lambrix, seconded by Councilmember Kahwaty as amended.

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 Cadicina:

- October 7, 2014 Work Session
- October 7, 2014 Closed
- October 21, 2014 Regular
- October 21, 2014 Closed Session

Roll Call Vote:

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

Motion Approved.

OLD BUSINESS

DOT Property for Sale

Greg Hart advised that he spoke to the Department of Transportation who explained that there is an adjacent property owner that is interested in the excess property that the DOT has for sale. The adjacent property owner is looking to place a garage on the property. The cost would be for excess land and there was no specific amount given. There will be another notification to the Borough from the DOT before the property is transferred. After further discussion, Greg Hart will let United Water know about the property being offered for purchase by the DOT. The Borough is not interested in purchasing it.

Sewer Connection Costs

Councilmember Lambrix asked what the cost would be to residents who want to connect to the sewer. Mr. Hart said that Boswell has a preliminary cost estimate that he will report to the Mayor and Council at the December 2, 2014 Work Session meeting.

NEW BUSINESS

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

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1611 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1611

AN ORDINANCE ESTABLISHING FRANKLIN LAKES SEWER DISTRICT # 1 AND AUTHORIZING THE CONSTRUCTION OF A SANITARY SEWER BY FRANKLIN LAKES REALTY LLC ON COLONIAL ROAD AND ESTABLISHING CONNECTION FEES

WHEREAS, Ordinance 1611 was introduced at a meeting of the Mayor and Council held on the 12th day of November 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 1611 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1611 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 16th day of December 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 1611; 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 – Councilmember referred to Section 15 for clarification. Borough Attorney clarified who will be able to connect. Greg Hart advised that there are 27 properties that this sewer district consists of.

Roll Call Vote

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

Move to take up consideration of Ordinance 1612 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 1612

AN ORDINANCE AMENDING CHAPTER 395 “SMOKING” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT SMOKING IN PARKS, RECREATIONAL AREAS AND PUBLIC BUILDINGS

WHEREAS, Ordinance 1612 was introduced at a meeting of the Mayor and Council held on the 12th day of November 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 1612 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1612 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 16th day of December 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 1612; 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 – Mayor Bivona said that after discussion at the previous Work Session meeting, smoking was going to be banned on all Borough property. He has since decided to amend a portion regarding the Borough Buildings where there will be no smoking within 35 feet of the entrance.

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 Wednesday, November 12, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Anticipated Litigation – Affordable Housing Litigation
- Collective Bargaining – PBA

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 8:40 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting at 9:30 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 295-14 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 \$158,901.88 as shown on the Claims Bill List; \$6,078.50 as shown on the Soil Account Bill List and \$3,553.50 as shown on the Developers Escrow List.

Resolution 296-14 Interlocal Agreement – TV Inspection with NBCUA

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for TV Inspection with the Northwest Bergen County Utilities Authority for the years 2015 and 2016 after review and approval by the Borough Attorney.

Resolution 297-14 Interlocal Agreement – Sanitary Sewer Cleaning with NBCUA

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for Sanitary Sewer Cleaning with the Northwest Bergen County Utilities Authority for the years 2015 and 2016 after review and approval by the Borough Attorney.

Resolution 298-14 Tree Removal Permit – 637 Winding Hollow

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, Mr. Ruffino, who resides at 637 Winding Hollow, 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 October 16, 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 October 16, 2014 is hereby approved, and the tree removal application for 637 Winding Hollow 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 Mr. Ruffino, the Tree Specialist and the Shade Tree Commission.

Resolution 299-14

Tree Removal Permit – 901 Pinecroft Court

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, Mr. Hopke, who resides at 901 Pinecroft Court, 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 October 16, 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 October 16, 2014 is hereby approved, and the tree removal application for 901 Pinecroft Court 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 Mr. Hopke, the Tree Specialist and the Shade Tree Commission.

Resolution 300-14

Capital Budget Amendment

- See Attached Spreadsheet

Respectfully submitted,



Sally T. Bleeker, Borough Clerk

**BOROUGH OF FRANKLIN LAKES
CAPITAL BUDGET AMENDMENT**

RESOLUTION 300-14

Whereas, the local capital budget for the year 2014 was adopted on the 1st day of April, 2014; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore Be It Resolved, by the Governing Body of the Borough of Franklin Lakes, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2014 Budget be made:

RECORDED VOTE
(Insert last names)

(Cadicina
(Kahwaty
(Kelby
(Lambrix
(Ramsey
(Swist

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NAYS (
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ABSTAIN (
(
ABSENT (
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**FROM
CAPITAL BUDGET (Current Year Action)
2014**

PROJECT	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2014					TO BE FUNDED IN FUTURE YEARS
				5a 2014 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Woodside Avenue Sidewalk		\$ 37,300					\$ 37,300		
GRAND TOTALS		\$ 37,300		\$ -	\$ -	\$ -	\$ 37,300	\$ -	\$ -

**6 YEAR CAPITAL PROGRAM 2014-2019
Anticipated PROJECT Schedule and Funding Requirement**

PROJECT	PROJECT NUMBER	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR					
				2014	2015	2016	2017	2018	2019
Woodside Avenue Sidewalk		\$ 37,300					\$ 37,300		
TOTALS ALL PROJECTS		\$ 37,300		\$ -	\$ -	\$ -	\$ 37,300	\$ -	\$ -

6 YEAR CAPITAL PROGRAM 2014-2019
 Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR					
				2014	2015	2016	2017	2018	2019
Various Public Improvements									
Sanitary Sewers Recreation Department									
		\$ 160,000		\$ 160,000					
Sidewalk Improvements for Woodside Avenue									
		243,300		243,300					
TOTALS ALL PROJECTS									
		\$ 403,300		\$ 403,300	\$ 403,300	\$ -	\$ -	\$ -	\$ -

6 YEAR CAPITAL PROGRAM
 SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid and Other Funds	7 BONDS AND NOTES			
		Current 2014	Future Years				General	Self Liquidating	Assessment	School
Various Public Improvements										
	\$ 160,000			\$ 7,620			\$ 152,380			
Sanitary Sewers Recreation Department										
	243,300			11,600			231,700			
TOTALS ALL PROJECTS										
	\$ 403,300			\$ 19,220	\$ -	\$ -	\$ 384,080			

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 12th day of November 2014

Certified by me

November 13, 2014
(DATE)

ATTEST:

Sally T. Sheehan
BOROUGH CLERK

APPROVED:

Frank J. ...
MAYOR