

**MEETING OF THE MAYOR AND COUNCIL
JANUARY 6, 2015
7:30 P.M.**

A regular meeting of the Mayor and Council was held on January 6, 2015, 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, Council President Kelly, Councilperson Lambrix, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

OPEN TIME FOR PUBLIC COMMENT

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

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

BOROUGH ENGINEER'S REPORT

- **Status Report**
- **ADA Door for Police Department**

Eileen Boland, of Boswell Engineering, introduced herself and reviewed the status report. Regarding work on the ADA front door at the Police Department, Ms. Boland stated that they were only able to secure one proposal from McKenzie Automatic Doors. The date of this proposal is November 2013, and Ms. Boland was told that the price to retrofit the existing doors would be honored. Mr. Hart said that this item was not scheduled to be awarded tonight. He reminded Councilmembers that a Community Development Grant is being used to pay for the work which has to be completed in the next 18 months.

Ms. Boland referred to the Road Opening Permit for 881 Roberts Court and said that the homeowner is extremely anxious to get the electrical installed their home. Per ordinance, Mayor and Council approval is needed for Road Opening Permits between November and March due to issues with restoration of the roadway. Councilperson Kahwaty made a motion to approve the resolution for the road opening permit, seconded by Councilperson Cadicina, all ayes.

Mayor Bivona indicated his disagreement with this ordinance stating that he would trust the Borough Administrator to make the correct decisions relative to road opening permits. Mayor Bivona feels that it is unreasonable, from the homeowner's point of view, to have to wait a month for an approval by the Mayor and Council. Mayor Bivona said that the Council should look at ways to make things easier for residents and he suggested that this ordinance be placed on the next work session agenda for discussion.

Ms. Boland said that the preliminary list of roads for the 2015 Road Improvement Program has been comprised and will be emailed to Councilmembers. She would like to

go out for bids at the end of the month. The interlocal agreement with North Haledon for reimbursement is in place. Some of the roads on the list include Reservoir Drive and Huron Road as well as the Woodside Avenue sidewalk improvements. Mr. Hart said that a Capital Ordinance will have to be introduced at the next meeting. Mayor Bivona asked if an application had been filed for a new grant for the second half of Huron Road for 2015. Mr. Hart will check into this.

Resolution 23-15

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 24-15 Accept Report of Finance Committee
- Resolution 25-15 Tax refund – Huzien
- Resolution 26-15 Budget Transfer
- Resolution 27-15 Removed
- Resolution 28-15 Emergency Temporary Appropriations

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

Roll Call Vote

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

MAYOR’S REPORT

Mayor Bivona had no report this evening.

COMMITTEE/LIAISON REPORTS

PUBLIC WORKS

Councilperson Cadicina reported that Rich Lilienthal the new Superintendent of Public Works, is becoming familiar with his new position and addressing the issue of pothole repairs. The Borough is fully stocked with salt in anticipation of upcoming snow storms. Mr. Lilienthal would like to approve purchases before the orders are placed in order to have more control over purchases. There was a discussion of having an alternate to approve purchases if he was unavailable. Councilmembers agreed and Mr. Hart said he will work on this with Mr. Lilienthal.

ENVIRONMENTAL & COMMUNITY AFFAIRS

Councilperson Swist spoke about the Pilgrim Pipeline and said that, although the pipe line is not going through Franklin Lakes, the Environmental Commission feels that the Borough should make a statement. The Commission is advising that the Mayor and Council oppose the building of the new pipeline; however, if the pipeline were approved the Borough should request that the pipeline be built above industry standards. The Commission has details on the upgraded conditions. Councilperson Swist stated that some members of the Commission thought that if a pipeline isn’t built the oil will come via the railroad or another means of transportation that could result in more serious accidents. She added that in some cases these companies are actually hedge funds who know nothing about the industry. Mayor Bivona said that there is a lot of information on the websites of these companies. He added that Franklin Lakes has no control over the

pipeline and can only try to influence state representatives. The company will have to start by obtaining a permit from the DEP and the Board of Public Utilities. The Environmental Commission is asking for the Borough to oppose the pipeline and Councilperson Kahwaty suggested that the Council invite a representative from Pilgrim Pipeline to make a presentation to the Mayor and Council and the Environmental Commission. The Environmental Commission would be given the opportunity to make their case in opposition at a different time. Mayor Bivona said he would like to have more information and Councilmembers agreed. Councilmember Swist will inform the Environmental Commission of the Council's decision.

PLANNING & DEVELOPMENT

- **Vacant Property Management Ordinance**

Councilperson Kahwaty said that there is an ordinance for consideration tonight that would require the creditor or foreclosing institution to be fined if they failed to appoint an agent for service of process and failure to address certain issues relative to an abandoned property. This legislation has already been passed by the State and signed into law. Mr. Hart said that this ordinance will be introduced at the next meeting.

- **Bloomingdales's Vacant Property Ordinance**

Councilperson Kahwaty stated that this ordinance deals with abandoned and vacant property not necessarily in foreclosure. The ordinance requires that the owners file a registration statement within 30 days of vacancy so they can be served Notice of Process. This is a comprehensive ordinance and may meet the needs of Franklin Lakes. There is a fee of \$250 to register a vacant property and Mr. Hart recommended getting a legal opinion if the Council is in favor of this type of approach. Mr. Smith noted that this ordinance applies to all vacant properties not only those in foreclosures and sets up a new level of bureaucracy to monitor vacant properties. This has never been done before. Mayor Bivona said that property simply being vacant isn't the issue, but the issue is whether or not the building is being maintained. Mr. Smith pointed out that the new ordinance would allow the Borough to take over in a case of foreclosure where the property is not being maintained.

After some discussion, Mr. Hart said that the reoccurring issue in these cases is locating the property owner. Placing a lien on the property doesn't mean that the property will immediately be maintained. The Borough cannot take over maintenance unless there is a health or safety hazard. Councilperson Ramsey said that the Zoning Officer will have to carry out the requirements contained in the ordinance. Mr. Hart said that they may want to consider refining the Bloomingdale ordinance. Councilperson Kahwaty said that this ordinance is a good start and at some point in the future the Council could look into tailoring the Bloomingdale ordinance to meet the needs of Franklin Lakes. Several Councilmembers suggested asking Boswell Engineering to comment. Mayor Bivona asked Mr. Hart to work with John Wittekind, the Zoning Officer, to fashion a vacant property ordinance.

Councilperson Ramsey stated that there are some buildings in the business district that aren't being properly maintained. Repairs to the parking lots and painting are needed on some commercial buildings and the Mayor asked her for specific locations.

Councilperson Kahwaty reported that the Toll Brothers' experts will continue their testimony at a special Planning Board meeting scheduled for January 13th on the property at the High Mountain Golf Course.

Mayor Bivona reported that they are working with Chase Bank relative to the lights at their building on Franklin Lakes Road. Chase Bank has agreed to shut off certain lights at 8:00 P.M. to tone down the blue haze. He has asked Boswell to help draft the resolution. Mr. Smith said that Chase is probably in compliance with the lighting ordinance; however, the lighting ordinance is old as far as LED lighting goes. Mayor Bivona stated that the blue haze may not be extremely bright but does create a hazy

appearance which requires the lighting ordinance to be reviewed and subsequently modified.

RECREATION AND PARKS

Council President Kelly reported on feedback from parents indicating an interest in the travelling basketball program. His research shows that two additional teams could be supported. He stated that forty six new five star safety helmets have been purchased which means that all helmets used by Franklin Lakes' athletes are five star which is important.

Council President Kelly stated that the base pads at Tommy John Field need to be replaced. Clay has been purchased and work is being done by the DPW to smooth out the uneven surfaces in order to make the field safer.

- **Facilities Use Request – Drew Gibbs Football Camp**

Mr. Hart said that Drew Gibbs Football Camp is a high school football camp and Councilmembers indicated support for this request.

- **Facilities Use Request – United Soccer League of NJ**

Mayor Bivona stated that this is a 50 and over soccer league with no Franklin Lakes affiliation who have expressed an interest in using the field. Mayor Bivona spoke to the Recreation Director and asked if this group would consider doing something to support children's soccer in Franklin Lakes, such as sponsoring a clinic. Councilperson Lambrix recalled previous discussions where Councilmembers said that there should be some benefits to Franklin Lakes which doesn't seem to be the case in this request. They need to be cognizant of the wear and tear to the Borough fields. Mr. Hart will tell the Recreation Director to tell United Soccer that their request will not be approved unless they can demonstrate some benefit to Franklin Lakes

Mayor Bivona said that the condition at the Bocce Courts will be addressed. They will look into organizing a schedule for the seniors who are interested in playing. He added that benches have recently been installed at the bocce courts.

PUBLIC SAFETY

Councilperson Ramsey reported that she attended a AAA luncheon with the Police Chief and Traffic Officer where they accepted an award for safety.

- **Solar Panel and Truss Roof Emblems**

Mr. Hart reported on recent state legislation on solar panels requiring emblems; however; the Borough already has a requirement for emblems. They are waiting for further State regulations on the size of the emblems. This is a big factor in firefighting relative to truss construction and there are State requirements for identifying emblems for commercial properties but not residential properties. The Fire Chief, Fire Prevention Official and the Construction Official are strongly recommending an ordinance which would require an identifying emblem for residential properties. The proposed ordinance closely tracks the requirements for commercial properties except that the emblems are smaller and would be required to be located near the gas and electric meters. Mr. Hart pointed out that many of the houses in Franklin Lakes have truss roofs and it would be more practical to require the affected home owner to get the emblem when they apply for a construction or fire permit or a CCO. This is why the effective date in the ordinance has been left blank. Mr. Hart said that the ordinance would be introduced on January 20th.

- **Mahwah Weave Resolution**

Mayor Bivona explained that he was recently contacted by a Councilperson in Mahwah who is asking for support from the Borough relative to their request for traffic safety

improvements. This is a dangerous area on Route 287 frequented by a lot of truck traffic where there is a split to access a ramp to Route 17. DOT needs a comprehensive plan to address the traffic issues and Mahwah is asking for a task force to address the problem. Mayor Bivona will contact the Mayor of Mahwah to find out if they have a formal resolution. The Council can go forward with a similar resolution once it has been passed by Mahwah. This item will be listed on the February agenda.

ADMINISTRATION AND FINANCE

- **Preserve Pension Funding**

Councilperson Lambrix stated that this refers to the local municipal contributions to the pension versus State contributions to the pension. He pointed out that the local system is funded to a much greater extent than the State. Mr. Smith said that it appears that the State is appointing a commission that may suggest that both systems be combined which would hurt the local municipalities. In other words, the municipalities have done the funding in the correct way but the State has not. Municipalities should not be involved in making up State deficiencies. The State is supposed to contribute to the PERS and the PFRS. The resolution suggested by the League of Municipalities urges the State to recognize and protect the strength of the PERS and the PFRS and reject any recommendations that would threaten municipal budgets. Mr. Hart will list this on the January 20th agenda.

- **Borough Code Review**

Councilperson Lambrix commended Mr. Hart on his efforts to rectify some of the problematic sections of the Borough Code. Mr. Hart said that these are straight forward updates to the Code. He added that the changes are being accumulated and the task should be completed by year end and there may be some ordinances that will be handled individually.

- **Personnel Policy Amendments**

Councilperson Lambrix said that the employee handbook was reviewed relating to polices concerning resignation, holidays, vacation weeks, the difference between part time and full time employment and seasonal employment as well as other definitions. The memo from Mr. Hart is intended to bring consistency to the handbook. Mr. Hart added that some of the existing commonly used polices have been clarified and practices have been incorporated into Borough policy. This resolution will be listed for January 20th and Councilmembers were advised to review the information before the meeting.

- **2015 Salary Ordinance DPW Superintendent**

Councilperson Lambrix stated that the ordinance reflects prior discussions adjusting the salary to \$102,000 plus longevity.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart spoke about completing the I-9 form relative to citizenship that must be kept on file for members of the Mayor and Council as well as Borough employees. The required documentation must be presented to Jean or Lynette and they must personally witness signatures on the form.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

Mr. Hart stated that he and Mr. Pike have been meeting with department heads concerning the budget. They hope to meet with the Finance Committee within the next couple of weeks.

Mayor Bivona reported that he and Mr. Hart are meeting with Oakland next week to talk about dispatch.

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 Tuesday, January 6, 2015 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Collective Bargaining – PBA
 - PBA Proposal
- Collective Bargaining – AFSCME
- Personnel – Recreation Director
- Personnel – Salary Review

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 Council President Kelly, seconded by Councilperson Lambrix at 8:55 P.M.

Roll Call Vote

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

Mayor and Council returned at 9:45 PM

Councilperson Cadicina made a motion authorizing mediation for the PBA contract. Councilperson Lambrix seconded the motion, all ayes.

Councilperson Cadicina made a motion to permit Jason Robinson, the Recreation Director, to coach basketball for this season only. Council President Kelly seconded the motion.

Roll Call Vote

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

ADJOURNMENT

Motion by Councilperson Cadicina to adjourn the meeting at 9:50 P.M. Councilperson Swist seconded the motion.

Roll Call Vote

Group Insurance-Hospitalization/Rx 23,550

To

Finance OE	2,000
Engineering Services S&W	50
Public Building & Grounds	10,000
Vehicle Maintenance	10,000
Animal Control Services OE	1,500
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	23,550
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	23,550

Resolution 27-15 Removed

Resolution 28-15

RESOLUTION TO AUTHORIZE EMERGENCY TEMPORARY APPROPRIATIONS FOR CY 2015

WHEREAS, the CY 2015 budget has not been adopted, and adequate provisions could not be made in the CY 2015 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

WHEREAS, the total emergency temporary resolutions adopted in CY 2015 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$15,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

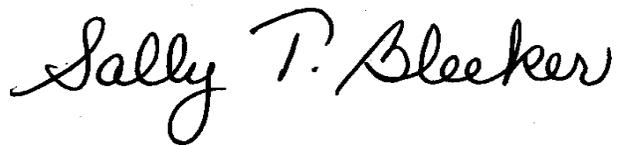
1. That emergency temporary appropriations be and the same are hereby made for:

Other Expenses: Police Department \$15,000.00

2. That said emergency temporary appropriations be provided for in the CY 2015 adopted budget.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk