

**MEETING OF THE MAYOR AND COUNCIL
FEBRUARY 3, 2015
7:30 P.M.**

A regular meeting of the Mayor and Council was held on February 3, 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, Councilperson Lambrix, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Council President Kelly and Councilperson Ramsey were absent this evening.

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 Kahwaty, seconded by Councilperson Cadicina, all ayes.

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

BOROUGH ENGINEER'S REPORT

- **Status Report**

Eileen Boland, of Boswell Engineering, introduced herself and reviewed the status report. Mayor Bivona spoke about the 2014 NJDOT Municipal Local Aid grants which have been received. One grant is for \$149,000 to cover the paving of a portion of Huron Road and the other is for \$203,000 for safety improvements at Woodside Avenue School. Ms. Boland stated that the amount of the grant for Woodside Avenue School is more than is needed and NJDOT is allowing the grants for both projects to be combined which means that additional work can be scheduled for Huron Road.

Mr. Hart explained that there is an ordinance for introduction at tonight's meeting which will appropriate money for the road program since there was a previous ordinance appropriating funds for Woodside Avenue and Huron Road exclusively. The prior ordinance will be tabled. Since the grants for the two roadways are being combined, the appropriation will be shifted in order to allow the money to be used. Therefore, the meeting of February 17th will include an ordinance that amends the Huron Road and Woodside Avenue ordinance allowing the total amount of money for the two projects to be combined and reallocated.

Councilperson Kahwaty asked about the bids for the Barrier Free Doors at Police Headquarters. Mr. Hart stated that the bid threshold is \$34,000 meaning that it is necessary by State law to solicit two proposals. Borough policy is to solicit three proposals; however, they were only able to obtain one proposal.

- **Road Opening Ordinance Review**

Mayor Bivona recalled that there was a discussion at a previous meeting as to whether it is acceptable to have a Road Opening Permit come to the Mayor and Council for approval between November and March. Mayor Bivona said that he understands that the permit should have Borough approval; however, it is not necessary to involve the Mayor and Council particularly in the case of a utility emergency. After a lengthy discussion, Mr. Hart said he would draft an ordinance with qualifying language stating the road could be opened only in emergency situations. The ordinance would delegate the decision making to the Engineer or Borough Administrator. The ordinance will be introduced on February 17th.

FRANK COVELLI – BOROUGH RISK MANAGER

Frank Covelli, Borough Risk Manager, reviewed the annual report to the Council. He noted that there have been changes in the property policy statewide as a result of Hurricane Sandy; however, nothing has changed relative to Franklin Lakes. A synopsis of the various coverages is included in the report. Either the local or Statewide JIF provides all liability insurance or excess coverage through conventional reinsurance policies. Cyber liability coverage is also provided by JIF. Mr. Covelli stated that accident and health insurance as well as accident and sickness insurance for emergency services volunteers are provided. As of December 31, 2013, \$286,000 of dividends has been returned to the municipality and this figure is approximately the same for 2014.

Resolution 57-15

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.

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|------------------|---|
| Resolution 58-15 | Accept Report of the Finance Committee |
| Resolution 59-15 | Professional Service Agreement – Grant Professional |
| Resolution 60-15 | Award Contract – Barrier Free Door at the Police Headquarters |
| Resolution 61-15 | Award State Contract – Maintenance Police Radios |
| Resolution 62-15 | Budget Transfer |

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

Roll Call Vote

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

MAYOR’S REPORT

Mayor Bivona commended the DPW workers under Rich Lilienthal’s leadership who have done a wonderful job of clearing the roads during recent storms. Mayor Bivona attended an eye opening FLOW meeting promoting wellness and well-being recently which touched on drug use by all segments of the population. Mr. Hart said he would try to put a link on the Borough website to a video of the meeting. Mayor Bivona commented that there is a high incidence of depression and other disorders involved in drug abuse that needs to be recognized and addressed.

Mayor Bivona mentioned a letter he wrote to Governor Christie regarding post-retirement medical benefits granted to employees including lifetime medical care. He feels that this benefit should be scaled back for new hires. State governments and municipalities are technically broke due to unfunded and undocumented liabilities that exist. He said that for the employees the Borough has today, there would be a liability of \$14.8 million which is 8% or 9% of the entire budget. Also, under the Affordable Care Act, beginning in 2018, the Borough would be obligated to pay a surcharge of 40% for any benefit plan over a certain threshold. Mayor Bivona wants his letter to bring attention to these benefit issues which do not appear on any balance sheets because cities and towns will go bankrupt if this is not dealt with especially in light of the 2% tax cap. He stressed that State legislation is needed to deal with this unreasonable liability.

COMMITTEE/LIAISON REPORTS

ADMINISTRATION AND FINANCE

Councilperson Lambrix stated that the Finance Committee met today with Mr. Hart, Councilperson Cadicina and Mr. Pike on the 2015 Budget. They will begin working weekly with the various departments with a goal to introduce the budget no later than March 17th.

- **Borough Code Review**

Mr. Hart spoke about updating and language changes in the Borough code that he has been working on recently. He would like to incorporate the periodic changes he makes into an ordinance every three months. After a short discussion, the Council agreed to this plan to amend the Borough Code.

- **Synergy Project Report**

Mr. Hart reviewed his report dated January 13, 2015, and commented that a variety of topics have been covered during this productive process. In the past three months, Emergency Management, Recycling and Buildings and Grounds have been reviewed. There have been discussions on the sharing of vehicles and equipment between the three entities as well as the WOLF communities and an inventory of vehicles and equipment has been provided. Mayor Bivona said that this is a good first step but there is more to be done. He thought that schools should be part of the mix. Councilmembers were asked for their input including their expectations of the process.

PUBLIC WORKS

Councilperson Cadicina reported on snow related issues and added that they are running low on salt. Mayor Bivona said that brine is environmentally friendly compared to salt. It doesn't melt snow but prevents the bonding of ice with the road which results in less plowing; however, the DPW does not find it as effective as salt.

ENVIRONMENTAL & COMMUNITY AFFAIRS

Councilperson Swist reported that the Seniors were extremely happy to have Deputy Borough Clerk Jennifer Crespo help them sign up for parking passes. She stated that Omar Elrafei put together a report outlining the environmental effects relative to the High Mountain Golf Course which has been sent to the Planning Board in advance of tomorrow night's meeting.

Councilperson Swist stated that there are plans for a Green Fair which is scheduled for March 7th from 11 A.M to 4 P.M. at Franklin Lakes High School. The purpose of the Fair is to promote sustainability in the neighboring communities. The list of participants is impressive including the New Jersey Audubon Society and Councilperson Swist encouraged everyone to attend. She added that Liz Morris, the Recycling Coordinator is speaking to the Valley Hospital Auxiliary about recycling.

Mayor Bivona confirmed that the Pilgrim Pipeline is not being re-routed through Franklin Lakes.

PLANNING & DEVELOPMENT

Councilperson Kahwaty reported on the High Mountain Golf Course development application at the recent Planning Board meetings. An environmental expert was brought in to discuss the Environmental Impact Study presented by the applicants and the Borough Engineer has presented a response to the study which will be discussed at the meeting tomorrow.

- **Amendment to the Sewer Billing Ordinance**

Regarding the sewer bill, Councilperson Kahwaty noted that the new due dates of service charges for the first half payment have been revised from May to April 1st of the current year and October 1st for the second half of the year. Additionally, it provides an interest rate of 8% up to \$1,500 and 18% thereafter for delinquent accounts and sewer service charges.

- **Redevelopment Agreement and Ordinance**

Councilperson Kahwaty spoke about the Redevelopment Agreement on McCoy Road which involves the Franklin Lakes Supportive Housing Urban Renewal LP which is also known as the Albert Group. He pointed out that within 18 months of the effective date, construction shall commence and within two years of the commencement of construction, the redeveloper must complete the project. Mr. Smith explained that the developer needs this ordinance in order to proceed with funding. Mr. Hart suggested that the Planning and Development Committee meet to review the proposed ordinance. He hopes to have an ordinance ready for the February 17th meeting.

Mayor Bivona spoke about the completeness hearing process which is required by the Planning Board for applicants who want to proceed with a subdivision application. The completeness hearing is to ensure that the Board has all the correct and pertinent documentation in order to move onto the public hearing process. This hearing may involve appearances by a lawyer, engineer, etc. which is costly for the applicant in terms of time and money. Many municipalities have a one step process where the Borough Engineer's office or a Planning Board subcommittee performs an administrative review for completeness. Mr. Hart said that there is no ordinance pertaining to this procedure, however, the Planning Board will have to make their own decision as to the elimination of the completeness review. Mayor Bivona said that he will bring this up with the Planning Board tomorrow. He added that he wants to reduce red tape and make this process easier for residents. Councilmembers agreed with the Mayor and he will tell the Planning Board Members that the Council supports this change.

RECREATION AND PARKS

Council Members discussed Facilities Use Permits and the policy that the fields are supposed to be used primarily for the benefit of residents of Franklin Lakes. Use by non-residents is to be on a limited basis. Councilperson Lambrix said he couldn't find any justification or rationale for US Sports Institute to use Borough fields.

- **Facilities Use Request - X-Treme Lax Factory**
- **Franklin Lakes Lions Club Carnival**

These permits were approved by the Mayor and Council

- **US Sports Institute**

The Mayor and Council agreed to table this application. US Sports Institute will be asked to come back with information in order to articulate why this would be a benefit to Franklin Lakes.

Mr. Hart reported on meetings on the transition to the Recreation Center. The goal is to be fully moved out of the Center by March 2nd. The second floor will be vacated before that date so that work can begin. Work at the annex or storage building should start at any time. All Borough classes will be moved to the Presbyterian Church and the Fitness Center Members will have their memberships honored at the YMCA Fitness Center on a somewhat limited basis for the same rates. Effective March 2nd, all instructors will be employed by the Wyckoff YMCA. This information will be communicated to all those involved before the transition and there will be a press release containing relevant information.

PUBLIC SAFETY

- **Truss Emblem Ordinance**

Mr. Hart recalled that the Mayor and Council had agreed to introduce this ordinance at a recent meeting. He presented a different ordinance and said he met with the Fire Prevention Official and the Construction Official who brought up enforcement issues. They questioned who would install the emblems and asked where they were coming from. They found the Waldwick ordinance which addressed many issues that were concerns of both the Fire Prevention and Construction Official. The requirement would be for new construction only and people with truss construction would be encouraged to post these emblems. The Fire Chief was satisfied with the revised ordinance and Councilmembers agreed that the ordinance should be introduced on February 17th.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart spoke about the JIF training and the mandatory harassment training for all Borough employees on February 26th. He referred to a proposed agreement from Premiere Productions for the Town Fair in the amount of \$3,500 which is the same fee that was charged in 2014, and is under the threshold. He recommended going forward with this and he will prepare the requisition form if the Councilmembers are in agreement.

The Police Chief has asked for the permanent appointment of Gregory Albert who has completed his probationary term. Mr. Hart said that this can be scheduled for the February 17th meeting. Councilmembers agreed to these items.

Mr. Smith explained that the Borough needs to execute a Quitclaim Deed for a minor subdivision which gives up rights to a particular property required in the filing of a subdivision with the County. He recommended a resolution for the February 17th meeting.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up for consideration of Ordinance 1617 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Swist, all ayes.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1617

A BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF \$686,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$654,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

WHEREAS, Ordinance 1617 was introduced at a meeting of the Mayor and Council held on the 3rd day of February 2015;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1617 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1617 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of February 2015 at 7:30 PM in the evening or as soon thereafter as the matter can be reached in the Council Chambers 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 1617; 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 by Councilperson Kahwaty, seconded by Councilperson Swist, Discussion – None.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Lambrix, Swist
Nays: None
Abstain:
Absent: Kelly, Ramsey
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 Tuesday, February 3, 2015 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Anticipated Litigation – PBA grievance
- Tax Appeal – 806 Iron Latch Road
- Tax Appeal – University Heights

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 enter into Closed Session at 8:30 P.M. was made by Councilperson Kahwaty, seconded by Councilperson Cadicina.

Roll Call Vote

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

Mayor and Council returned at 9:50 P.M.

ADJOURNMENT

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

Roll Call Vote

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

Resolution 58-15

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 \$3,938,066.55 as shown on the Claims Bill List; \$165.75 as shown on the Soil Account Bill List and \$193.00 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of January 1, 2015 in the amount of \$190,000.00, the payroll of January 15, 2015 in the amount of \$215,810.44, the payroll of January 29, 2015 in the amount of \$203,918.69 be hereby ratified and approved.

Resolution 59-15

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Grant Professional as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2015 through December 31, 2015; and

WHEREAS, Capital Alternatives Corporation, Demarest House, 618 River Road, New Milford, NJ 07646 has submitted a proposal effective January 1, 2015 indicating they will provide Professional Planning services for an amount as described in their agreement dated January 16, 2015; and

WHEREAS, Capital Alternatives Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that Capital Alternatives Corporation has

not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Capital Alternatives Corporation from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Capital Alternatives Corporation, 618 River Road, New Milford, NJ 07646 ; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 60-15

WHEREAS, the Borough Engineer solicited proposals for Automatic Door to the Franklin Lakes Police Headquarters and received one (1) proposal; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that:

1. MacKenzie Automatic Doors, Inc. 618 South Avenue, Garwood, NJ 07027 is hereby awarded a contract in the amount of \$5,830.00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

BE IT FURTHER RESOLVED, that the Treasurer be and is hereby authorized and directed to issue payment upon receipt of an approved voucher.

Resolution 61-15

WHEREAS, the Borough of Franklin Lakes is in need of a maintenance services agreement for police radios 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, Motorola Solutions 1301 East Algonquin Road, Schaumburg, IL 60196 has been awarded New Jersey State Contract number 83909 entitled maintenance services for the radio communications radio equipment and accessories; 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 \$18,409.80; 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 a maintenance services agreement for police radios be purchased from Motorola Solutions 1301 East Algonquin Road, Schaumburg, IL 60196

Resolution 62-15

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>
Group Insurance-Hospitalization/Rx	2,000	
To		
Litigation OE		2,000
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	2,000	2,000

Respectfully submitted,



Sally T. Bleeker, Borough Clerk