

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

A regular meeting of the Mayor and Council was held on March 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 Kahwaty (8:20 P.M.), Councilperson Lambrix, Council President Kelly, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilpersons Cadacini and 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 Council President Kelly, seconded by Councilperson Swist, all ayes.

Laurie Burnette, 860 Woodfield Road, spoke about the State Wide Transition Plan, which will change the way special needs housing is funded. The plan states that 25% of disabled adults can live in a development and she wondered how the project in Franklin Lakes would be affected. Mayor Bivona said that the Borough's funding comes from the County. The State has been setting and changing rules affecting future funding; however, the developer selected by the Borough does not rely on State funding.

Ms. Burnette asked about the moratorium on proposed light duty construction due to recent fires involving truss roofs. She asked if this would affect any ongoing construction in the Borough. Kevin Boswell, the Borough Engineer, said he didn't know the answer relative to Franklin Lakes Realty and there is nothing else currently going on in the town that would be affected.

Ms. Burnette referred to Gabrellian and asked if the Borough is aware of their plans. Mayor Bivona said that the Borough has had various discussions with them over the years but does not know of any specific plans.

Chris Cioffari, Eagle Scout from Troop 234, spoke about his proposed Eagle Scout project at the VFW involving the Monument for World War One and World War Two veterans. He plans to restore the plaque which includes removing several overgrown bushes. The DPW Superintendent has indicated that the bushes can be removed with backhoes and Walter of Twin Brook Nurseries is preparing a landscaping plan. Mr. Cioffari will install new plantings before Memorial Day. He plans to spray the plaque with a product containing an SLR chemical base to wash away the tarnish. There is granite behind the plaque that he will clean with a buffer that has been donated to him. The main objective is to preserve the plaque and keep it clean. The VFW had indicated support of the plan. Mr. Hart asked Mr. Cioffari to contact John Wittekind the Borough's Construction Official to find out if any type of permit is needed for this project.

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

## **BOROUGH ENGINEER'S REPORT**

- **Sanitary Sewer for Municipal Complex**
- **Commerce Street Preliminary Sanitary Sewer Feasibility Study**

Kevin Boswell reported that a submittal has been forwarded to Northwest Bergen County Utility Authority (NBCUA) for treatment works approval. He has been meeting with various groups about interceptors that would be located on Franklin Avenue and Susquehanna Avenue to access stations. There are 25 homes along Commerce Street with potential connections to sewer lines. He has submitted the application for all five buildings that comprise the Municipal Complex in Franklin Lakes including the Library.

Mr. Boswell stated that feasibility studies have been completed for other areas which include the anticipated costs. A presentation was made a month ago to give residents an idea of the costs involved to build out their areas. The Mayor and Council remain neutral on this subject and this is something that has to be decided on a neighborhood by neighborhood basis. This proposal needs the endorsement of 70% of the residents and the cost is approximately \$30,000 per residence. The resident would also have to cover an additional cost of about \$5,000 to abandon their septic system and hook up to the sewer. Boswell Engineering is in the process of doing a study for Oakland to situate a pump station down gradient of Crystal Lake Terrace which would require a pump station in Franklin Lakes. It appears that one pump station could be built to service these two areas and Oakland is suggesting to NBCUA that this be a joint pump station to accept both Oakland and Franklin Lake's flow which would result in a better gravity system for these areas with failing septic systems.

Mayor Bivona said that the price makes converting to sewers cost prohibitive for many residents. Mr. Boswell explained that by using the budget repairs he is asking NBCUA to participate in the cost of repairs with Oakland which would only be feasible if there is a line on Commerce Street. Mayor Bivona reiterated the high cost involved and wondered if 70% of residents would agree to connect to the sewers. He suggested that residents be asked if they would agree to this connection before getting involved in a costly study. Mr. Boswell said he could formulate an overall cost per unit that could be presented to the property owners. He pointed out that commercial areas are also involved which could involve new uses that could locate on Susquehanna. Mr. Hart explained many different scenarios and Councilmembers discussed this further. Mayor Bivona suggested sending a letter to the residents involved in order to gauge interest.

Mr. Boswell reported that the engineering plans for the bridge construction at the Primitive Trail should be ready in ten days. He said that the sanitary sewer has been installed on Colonial Road and he met with 27 homeowners to explain the situation and give them the opportunity to connect to the sewer for \$8,000 each. He is preparing a Certification of Completion to file with the DEP. The Borough will then adopt an ordinance to accept the improvement as a collection system which will require an operator as well as a provision to maintain the collection system. Mr. Boswell recommended outsourcing the maintenance of the system. Paving is scheduled for the spring.

Mr. Boswell said that they have assurances from Bergen County that the Tanglewood Court drainage system will be addressed this year. He stated that they have received excellent bids on the Road Program which will be awarded to D&L Paving on March 17<sup>th</sup>. Mr. Boswell reported on the Pulis Avenue sanitary sewer improvement and stated that the bids came in higher than the estimate. The difference is due to additional paving that is necessary and the fact that there are no complete and reliable records of what actually exist in this area. Mayor Bivona said that there are significant cracks in the road and it appears that the five year moratorium of not breaking the road has not been observed. They need to contact the County about this. Bill Smith, Borough Attorney, has reached out to the attorney for Mountain Shadows relative to this situation. Mr. Smith asked if Mountain Shadows would consider sharing the line and the attorney said he would approach Board Members about this suggestion. Mayor Bivona commented that they could hope for a reimbursement from other users to help defray costs and/or the

County could agree to assist the Borough with the cost of this project. Mr. Hart said that the Rec Center sewer line is time sensitive which means that if additional funding is needed they would have to introduce and amended bond ordinance on March 17<sup>th</sup>. They also need to get the appropriation in place for sewer at the Municipal Complex and Mr. Hart has asked for a cost estimate from the Borough Engineer with the goal of introducing that bond ordinance on March 17<sup>th</sup> as well. Mr. Boswell recommended a resolution in connection with a performance bond reduction for Franklin Lakes Realty. He added that the project is moving forward in a timely manner.

**Resolution 75-15  
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 76-15      Accept Report of the Finance Committee
- Resolution 77-15      Tax Refund – Dvanzo
- Resolution 78-15      Tax Refund – Geffner
- Resolution 79-15      Tax Refund – Corelogic-Zervas
- Resolution 80-15      Tax Refund – Hursa
- Resolution 81-15      Tax Refund – Frodella
- Resolution 82-15      Temporary Capital Budget Amendment
- Resolution 83-15      Budget Transfer
- Resolution 84-15      Emergency Temporary Appropriations
- Resolution 85-15      Authorize TD Bank Resolution

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

Roll Call Vote

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

**MAYOR’S REPORT**

Mayor Bivona reported on the positive Annual Financial Statement prepared by the State. He emphasized the highlights including a surplus in excess of \$3 million which is great news in terms of the recovery. Debt has also decreased. He reported on the Living Healthy Challenge and noted that Franklin Lakes has been designated as a Healthy Town by the State. He will ask for promotion of this program by the Recreation Department and the Board of Health and he stressed the importance Council support. He thanked Dina Robinson for all of her efforts in this regard.

Mayor Bivona spoke about the Report of the New Jersey State Pension and Health Care Reform. The pension is not being funded correctly and these recommendations will help to correct the program going forward through a series of mechanisms that are similar to those are used in the corporate world. Costs involved would be attributable to employees and municipalities.

Mayor Bivona distributed a list of his goals for 2015 for review by Council Members. There are ten goals some of which are ongoing and some that need to be done through initiative. As an example, he stated that more must be done to combat the ongoing drug problem. He suggested that a meeting be scheduled in April to review the goals to discuss ideas and modifications. Councilperson Kahwaty commended Mayor Bivona

and the Budget Committee for the work done on previous year's budget that has put Franklin Lakes back on the right track.

Mayor Bivona read a letter from Rosalie Longo recognizing the Police Dispatcher Lynn VerHage for her assistance during a time of need.

## **COMMITTEE/LIAISON REPORTS**

### **PUBLIC SAFETY**

- **Fire Department**

Mayor Bivona introduced Ryan Dodd, Fire Chief, who explained that the Fire Department would like to begin a trial program to supplement manpower during the day for non-emergency calls. Mr. Hart commented that this would be an allocation of Borough resources.

Fire Chief Dodd explained that this program would help to cut down on response time during the day. The goal is to have surrounding towns pool their resources to improve response time during daytime hours. Chief Dodd explained that Franklin Lakes would have their ladder truck manned during the day to respond to incidents in Oakland and Oakland would provide support to calls from Franklin Lakes. When asked how this would change the present system, Chief Dodd stated that the procedure would make response time more automatic and seamless. Additional response would also be available in additional situations. Chief Dodd is proposing a three month trial and will change his incident reporting in order to draw conclusions on whether or not this proposal is successful.

After a lengthy discussion, Council Members agreed that Chief Dodd prepare a report documenting the problem and whether or not the three month trial period worked or failed.

Chief Dodd made a request to fund nine iPads and software for the department which could be done on scene and would eliminate hand written reports. State certified software would cost \$40,000 and information from the iPads would be tied into the desktop at the Fire House. No decision was made on this request at this time.

### **ADMINISTRATION AND FINANCE**

Councilperson Lambrix reminded Councilmembers of the Budget Meeting on Thursday at 8 A.M. He referred to the budget surplus and asked whether the Council was in favor of funding more capital improvements with the surplus or should they wait another year to determine how much more money is generated into surplus. He pointed out that the Borough is at 1.99% in terms of a tax increase.

- **Synergy Shared Services Vehicles and Equipment**

Mr. Hart explained that this is a straight forward agreement between the Board of Education and the Library to formalize the process of sharing vehicles and equipment. Inspection forms and request forms are attached which will help track the equipment. The task force is recommending the agreement which has already been approved by the Library. This will be scheduled for March 17<sup>th</sup>.

- **Borough Code Review**

Mr. Hart stated that the Council has been reviewing the Borough Code over the past few months. He presented the collective changes through various memos. Mr. Hart recommended periodic updates and these changes will be listed on the agenda for March 17<sup>th</sup>.

## **PUBLIC WORKS**

Councilperson Swist said that at a meeting last week it was suggested that lawn maintenance of Borough fields be outsourced which would free the DPW to do more important things. She said that twenty four, No Smoking signs have been received and will be installed in strict provision with the details of the ordinance that was recently passed. This may result in an over-abundance of signs, therefore, Mr. Hart will revisit the specifications and fewer signs may be installed.

Councilperson Swist stated that a storm report had been prepared on each individual winter storm which includes an itemization of all salt used. The County is now out of rock salt and there is no more salt available through normal vendors. She reported on an accident with one of the salt trucks and she added that the transmission in another salt truck has broken. Councilperson Swist stated that the outdoor fitness equipment will be installed as soon as the weather breaks.

## **ENVIRONMENTAL & COMMUNITY AFFAIRS**

Councilperson Swist stated that the Green Fair is scheduled for this Saturday at Ramapo High School. She reported that the Environmental Commission met with representatives of the Pilgrim Pipe Line Group and subsequent to that meeting PSE&G denied Pilgrim Pipeline the ability to use their right of way. Councilperson Swist announced that the recycling numbers continue to improve. The Committee on the Memorial Day Parade met recently and they are hoping to find a woman for the Grand Marshal this year.

## **PLANNING & DEVELOPMENT**

Councilperson Kahwaty stated that the Toll Brothers will be at the Planning Board Meeting tomorrow night.

- **Special Needs Housing Redevelopment Agreement**

Councilperson Kahwaty referred to the Redevelopment and Purchase Agreement for the McCoy Road property. The agreement refers to rights and responsibilities between the developer and the Borough. He pointed out that eighteen months after the closing on the property, construction must begin and construction must be completed within two years from the commencement of said construction. It would be helpful to have this agreement signed by April and Mr. Hart recommended that this be listed on the March 17<sup>th</sup> agenda.

## **RECREATION AND PARKS**

Council President Kelly reported that Recreation and Parks personnel have now completed their move to the Municipal Building. Supplies and equipment have been relocated to the new storage center. He stated that the fall basketball program consisted of 29 teams made up of 395 participants. Registration for the spring sport programs has been postponed due to inclement weather. Council President Kelly announced that Rutgers is offering a new safety program. Coaches in Franklin Lakes will be involved in order to be more aware of the importance of focusing on safety. He added that Lacrosse seems to be gaining in popularity.

- **Facilities Use – English Pro Soccer**

Mayor Bivona said that over 50% of this team is comprised of children from Franklin Lakes and this is a good example of the organizations that should use Borough facilities. This group is giving back by offering various programs to a wide variety of participants. The Council approved the permit.

## **BOROUGH ADMINISTRATOR'S REPORT**

Mr. Hart stated that he has been appointed by the Library as the Qualified Purchasing Agent which allows the Library to reduce their bid threshold. The Library pays the Borough \$1,000 for this service.

**OLD BUSINESS**

Councilperson Lambrix attended Read Across America at High Mountain Road School.

**NEW BUSINESS**

There was no new business this evening.

Two tax appeals will be listed for the meeting on March 17<sup>th</sup>.

**ADJOURNMENT**

Motion by Councilperson Kahwaty to adjourn the meeting at 9:45 P.M. Councilperson Lambrix seconded the motion.

Roll Call Vote

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

**Resolution 76-15**

**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 \$3,827,710.40 as shown on the Claims Bill List; \$1,007.00 as shown on the Soil Account Bill List and \$1,584.75 as shown on the Developers Escrow List.

**BE IT FURTHER RESOLVED**, that the payroll of February 12, 2015 in the amount of \$229,415.20 and the payroll of February 26, 2015 in the amount of \$192,315.28 be hereby ratified and approved.

**Resolution 77-15**

**WHEREAS**, the home owner D’Avanzo, Louis & Jill, for Block 2304.07 Lot 2, whose address is 766 Oneida Trail, had refinanced their mortgage and therefore the Resource Title paid 1Q 2015 taxes and,

**WHEREAS**, the home owner’s mortgage bank also paid 1Q 2015 taxes and,

**WHEREAS**, this leaves a duplicate payment on the taxes for the 1Q 2015 and the home owner is requesting a refund,

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount listed below and to be charged against Tax Overpayments.

<u>Block</u>	<u>Lot</u>	<u>Refund Tax Overpayment</u>
2304.07	2	\$ 4,356.00

All payable to:  
D’Avanzo, Louis & Jill  
766 Oneida Trail  
Franklin Lakes, NJ 07417

**Resolution 78-15**

**WHEREAS**, the home owner Geffner, Glenn & Bonnie, for Block 1106 Lot 2, whose address is 1096 Franklin Lake Road, had refinanced their mortgage and therefore the TitleVest paid 1Q 2015 taxes and,

**WHEREAS**, the home owner’s mortgage bank also paid 1Q 2015 taxes and,

**WHEREAS**, this leaves a duplicate payment on the taxes for the 1Q 2015 and the home owner is requesting a refund,

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount listed below and to be charged against Tax Overpayments.

<u>Block</u>	<u>Lot</u>	<u>Refund Tax Overpayment</u>
1106	2	\$ 4,356.00      3,930.00

All payable to:  
Geffner, Glenn & Bonnie  
1096 Franklin Lake Road  
Franklin Lakes, NJ 07417

**Resolution 79-15**

**WHEREAS**, the attorney for the new homeowner Peter & Anne Zervas, whose property is 847 Ridge View Way and the lender for the previous homeowner Corelogic, made payments for the 1Q 2015 taxes and,

**WHEREAS**, the above leaves an overpayment on the 1Q 2015 taxes and,

**WHEREAS**, the lender Corelogic is seeking a refund for the payment done in error,

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Refund Duplicate Payment</u>
1605.01	3	\$ 5,328.00

Made payable to:  
Corelogic Real Estate Tax Service  
Attn: Refund Department  
PO Box 961250  
Fort Worth, TX 76161-9887

**Resolution 80-15**

**WHEREAS**, the previous home owner, Estate of Faith J. Hursa, for Block 1512 Lot 9, whose address is 708 Mardinly Avenue, had signed up for Automatic Direct Withdrawal with the Borough for taxes and 1Q 2015 taxes were deducted on February 5, 2015 and,

**WHEREAS**, the property was sold on November 17, 2014 and the Tax Office only received notification of this on February 23, 2015 and,

**WHEREAS**, the Executor Melissa Kelly for the previous homeowner Estate of Faith J. Hursa is requesting a refund for the ACH Withdrawal made on February 5, 2015,

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount listed below and to be charged against Tax Overpayments.

<u>Block</u>	<u>Lot</u>	<u>Refund Tax Overpayment</u>
1512	9	\$2,321.00

All payable to:

Estate of Faith J. Hursa  
 9-04 Harristown Road  
 Fair Lawn, NJ 07410

**Resolution 81-15**

**WHEREAS**, the property listed below filed an assessment appeal with the Tax Court of New Jersey and,

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year(s) 2013 and 2014, on Block 1201 Lot 1 whose property location is 277 Heather Lane, homeowners Frodella, Michael & Sylvia L.,

**WHEREAS**, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer is authorized to issue a check in the amount listed below and to be charged against Tax Appeals.

<u>Block</u>	<u>Lot</u>	<u>Assessment Reductions</u>	<u>Refund</u>
1201	1	\$ 132,100 (2013)	
	\$2,056.80		\$ 207,100 (2014)
	\$ 3,255.61		
	Preliminary 1Q 2015 Taxes Paid in full 2/9/15		\$
813.90			
		<b>Total Refund</b>	<b><u>\$6,126.31</u></b>
			<u>Credit 2Q 2015 Taxes</u>
			\$ 813.90

All checks made payable to:  
 Frodella, Michael & Sylvia L.  
 277 Heather Lane  
 Franklin Lakes, NJ 07417

**Resolution 82-15**

**Temporary Capital Budget – attached to last page of minutes**

**Resolution 83-15**

**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	4,000	
<b>To</b>		
Litigation OE		4,000
	<u>4,000</u>	<u>4,000</u>

**Resolution Number 84-15**

**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 \$137,342.00;

**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: Other Insurance Premiums	\$10,000.00
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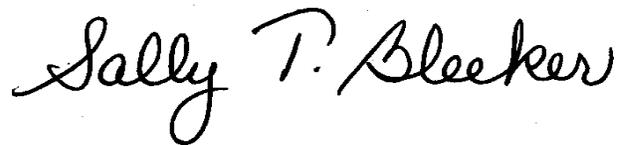
2. That said emergency temporary appropriations be provided for in the CY 2015 adopted budget.

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

**Resolution 85-15**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor, Borough Clerk, Chief Financial Officer, Council President, Borough Administrator and Tax Collector be authorized to sign the TD Bank Governmental Entity Certificate of Resolution as approved by the Borough Administrator and Chief Financial Officer.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk