

MEETING OF THE MAYOR AND COUNCIL
April 21, 2015
7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, April 21, 2015 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 Cadicina, Councilmember Kahwaty, Council President Kelly, Councilmember Lambrix, Councilmember Ramsey and Councilmember Swist. Also present were Borough Administrator Greg Hart, Borough Attorney Bill Smith, Chief Financial Officer William Pike and Deputy Clerk Jennifer Crespo.

SUNSHINE LAW STATEMENT

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Motion made by Councilmember Cadicina and seconded by Council President Kelly to make the following appointments:

Larry Sellitti – DPW Foreman
Eric Johansson – DPW Foreman

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Motion made by Councilmember Kahwaty and seconded by Councilmember Lambrix to make the following appointments:

Michael A. Ochs – Alternate #1 Planning Board – term to expire 12/31/2015
Michele Mucci – Alternate #2 Planning Board – term to expire 12/31/2016
William C. Saracino – Alternate #2 Zoning Board of Adjustment – term to expire 12/31/2015

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Motion made by Councilmember Cadicina and seconded by Council President Kelly to make the following appointment:

Sean Traynor – Temporary Part-Time, Leaf Compost Monitor

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:
Abstain:
Absent:
Motion Approved.

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Councilmember Kahwaty to take up Ordinance No. 1622 for consideration of adoption on second and final reading, and direct the Deputy Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1622

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Summary – This ordinance permits the Borough to raise appropriations by 3.5% and bank the difference between the actual appropriations and the 3.5% cap for future years, if needed. This provides some budgeting flexibility in future years if needed.

WHEREAS, Ordinance 1622 was introduced at a meeting of the Mayor and Council held on the 17th day of March, 2015 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 1622 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 to open the hearing to the public was made by Councilmember Lambrix, seconded by Council President 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 Kahwaty, seconded by Council President Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Council President Kelly. Discussion – none.

Roll Call Vote:

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

Motion made by Councilmember Lambrix to take up Ordinance No. 1623 for consideration of adoption on second and final reading, and direct the Deputy Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1623

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE AND AMEND CERTAIN PROVISIONS

OF CHAPTER 1 “GENERAL PROVISIONS,” CHAPTER 14 “CABLE TV COMMITTEE,” CHAPTER 23 “MUNICIPAL COURT,” CHAPTER 71 “OFFICERS AND EMPLOYEES,” CHAPTER 76 “OFFICIAL MAP,” CHAPTER 89 “POLICE DEPARTMENT,” CHAPTER 101 “PURCHASING AND PAYROLL,” CHAPTER 118 “SHADE TREE COMMISSION,” CHAPTER 140 “ALARM SYSTEMS,” CHAPTER 144 “ALCOHOLIC BEVERAGES,” CHAPTER 157 “ANIMALS,” CHAPTER 172 “BLASTING,” AND CHAPTER 208 “CIRCUSES, EXHIBITIONS AND SHOWS”

Summary – This ordinance is the result of a review of the Borough Code and updates provisions in several chapters of the Borough Code to comply with current Borough processes and current statutory authority.

WHEREAS, Ordinance 1623 was introduced at a meeting of the Mayor and Council held on the 17th day of March, 2015 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 1623 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 to open the hearing to the public was made by Councilmember Lambrix, seconded by Council President Kelly. On voice vote, all in favor.

Peter Nicolle – 219 Forest Street. Mr. Nicolle wanted to know why the Cable T.V. Committee was being removed and if that meant we were no longer negotiating with cable providers. Mr. Hart explained that used to be a committee, but there is no longer such a committee.

Motion to close the hearing to the public was made by Councilmember Kahwaty, seconded by Council President Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Council President Kelly. Discussion – none.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Motion made by Councilmember Cadicina to take up Ordinance No. 1624 for consideration of adoption on second and final reading, and direct the Deputy Clerk to read by title, seconded by Councilmember Lambrix. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1624

ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A REDEVELOPMENT AGREEMENT WITH FRANKLIN LAKES AFFORDABLE HOUSING, LLC AND PURSUANT TO SAID AGREEMENT TRANSFER THE PROPERTY AT TAX BLOCK 1406 LOTS 1 AND A PORTION OF LOT 2 AND BLOCK 1408 LOT 1 TO SAID ENTITY

Summary – This ordinance establishes the terms for the conveyance of the Borough’s McCoy property to the developer of the special needs housing development.

WHEREAS, Ordinance 1624 was introduced at a meeting of the Mayor and Council held on the 17th day of March, 2015 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 1624 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 to open the hearing to the public was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. 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 Cadicina. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Council President Kelly. Discussion – none.

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 Lambrix, seconded by Councilmember Cadicina. On voice vote, all in favor.

Peter Nicolle – 219 Forest Street. Mr. Nicolle came forward regarding Ordinance 1626 and storm sewer drainage. He was wondering why the ordinance was needed and said it sounds like they are not permitting water discharge. Mr. Nicolle was wondering where the run-off water would go. He also spoke about the issues he had on his property and two floods in his home.

Mayor Bivona said it sounded like he has a drainage issue at his property and that the Borough Engineer could take a look. Mr. Hart explained to Mr. Nicolle that our Construction Official noticed a lot of direct water discharge in the streets which creates hazards in the winter due to ice. Mr. Hart said the way to remedy this issue would be for new homes to have seepage pits on the property. Existing homes would have basic discharge on their own property or with the Mayor and Council's approval have direct discharge connection into the storm sewer which has been allowed in the past.

Mr. Nicolle asked if there was any provision for allowing homes to be grandfathered in. Mayor Bivona said no.

Motion to close the time for public comment was made by Councilmember Lambrix, seconded by Council President Kelly. On voice vote, all in favor.

RESOLUTIONS

Budget Self Examination 115-15

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Franklin Lakes* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Franklin Lakes* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments, if any, have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. Discussion – none.

Roll Call Vote:

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

ADOPTION OF THE 2015 MUNICIPAL BUDGET

Resolution 116-15

- **Please See Attached** -

Resolution read and introduced by Councilmember Cadicina, seconded by Councilmember Kahwaty. Discussion – none.

Roll Call Vote:

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

2015 Municipal Budget Budget Presentation

In Franklin Lakes, budget review is not done in a vacuum. Department heads are tasked with preparing responsible prudent budget requests, which are then reviewed, first by the CFO and Administrator, second by the M&C Budget Committee, and then by the Mayor and Council, and decisions are made throughout this process which implement clearly defined objectives.

More specifically, these objectives are:

Stabilizing use of surplus – The proposed 2015 budget is consistent with the Borough’s Fund Balance, Surplus Target and Regeneration Policy. The Borough has, once again, regenerated more surplus than it has expended in the budget. The Fund Balance exceeds the targets in the policy.

Reduce debt over time – Last year, the Mayor and Council worked diligently to develop and implement a Capital Projects & Debt Service Analysis, which includes a real 6 year capital and specific plan for reducing debt over time. The 2015 Budget implements this plan.

Minimize tax increases in compliance with applicable caps – Notwithstanding continued increases in the cost of doing business, the average taxpayer will see an increase of \$42 or 1.49% in taxes for municipal services. This is the result of a cost conscious mindset, which is reinforced in the budget process and in day-to-day administration of the Borough at all levels.

By meeting these objectives, the Borough is able to continue to provide a high level of services and stay within our means.

Mr. Hart stated that in the overall tax bill, 15.2% goes to the operation of the Borough government. This 15.2%, or approximately \$2,495 for the average household, pays for police protection – of a 23 person police force, maintenance of streets and roads and Borough buildings, plowing of roads, 12 person DPW, Recreation fields and facilities including the Community Center, firefighting, the needs of our ambulance corps, and all of the departments housed in the Borough Hall – Construction, Board of Health, Clerk, Administration, Tax and Finance, Court, Tax Assessor, Fire Prevention.

The municipal tax rate is computed by dividing the amount to be raised by taxation by the total assessed value of properties within the Borough. The Borough of Franklin Lakes continues to have the second lowest municipal tax rate of the 70 towns in Bergen County. Only Alpine, with its very limited services has a lower municipal tax rate.

When compared to the 13 other NW Bergen towns, several of which could be considered comparable as far as housing stock and other demographics, Franklin Lakes has the lowest municipal tax rate – and its rate is less than ½ of the rate of 7 of the 13 North West Bergen towns.

Slide shows basic breakdown of appropriations – 2015 compared to 2014. Mr. Hart said that the Mayor and Council has increased its appropriation in the operating budget in 2015 to \$600,000 for capital improvements. By including capital projects in the operating budget instead of bonding for these projects, the Borough’s reduces its reliance on incurring more debt. This is a vital part of the Borough’s plan to reduce debt over time.

Of these appropriations, many are what Mr. Hart refers to as “non-discretionary”, meaning that they are set, like the Library appropriation and pension contributions, by State law, and, like medical insurance and garbage and recycling, which are set by contract. Approx 43% of the budgetary appropriations are for the listed “non-discretionary” items alone. When you consider

salaries and wages, most of which are established in collective bargaining agreements, over 73% of the Borough's budget is tied up on these specific fixed costs.

Nearly all of the increase in appropriations is attributable to 4 items – debt service, establishing a new reserve for tax appeals, the Fire Department and the increase in the Capital Improvement Fund. What is noteworthy about these four largest increases in appropriations is that each is related to a budgetary goal – debt service (we are paying off more debt), new reserve for tax appeals (previously unfunded in the budget, this will help offset this expense and avoid the depletion of surplus for this purpose), Fire Department (this reflects the policy decision to fund more capital purchases within the operating budget – less reliance on debt), and increase in Capital Improvement Fund (as noted earlier, less debt issuance).

The slide shows 3 year history of appropriations and 2 years worth of projections. Projections are an important part of our budgetary process.

The slide shows a sampling of certain budget line items costs as a percentage of the overall budget. It gives some perspective to the Borough budgeting process. For example, budgetary expenditures for Police salaries (not including benefits) total nearly 16% of the municipal budget. These are a list of some of the Borough's most significant line items which are integrated into the budget, such as medical insurance, debt service, Library, DPW salaries, RUT, pension, and solid waste collection and disposal. – nearly 65% of the budget in these line items alone.

Revenues – comparison of 2015 vs. 2014 – of note here is that, because of continued good tax collection practices in 2014, we had fewer delinquent taxes at the end of the year and therefore we are anticipating less in revenue from receipt of those delinquent taxes. This is good because the cash flow from timely tax payments is important, but it does have the effect of decreasing budgeted revenues for the subsequent year. Also, we were able to increase the amount of surplus used in the budget because the Borough was able to re-generate substantially more than the \$750,000 budgeted in 2014. This allows for, among other things, the establishment of a reserve for tax appeals and an increase in the amount budgeted for capital projects within the Operating Budget.

Mr. Hart stated that taking the amount needed to cover appropriations, deduct the amount from other sources of revenue such as surplus, miscellaneous revenues and receipts from delinquent taxes, and you arrive at the local tax for municipal purposes – the tax levy amount - \$11431,583 – a 1.76% increase over 2014.

He said as we did with appropriations, we have compiled a 3 year history and 2 year projection spreadsheet.

Municipal rate is determined by dividing the amount to be raised by taxation by the net assessed valuations. 27.7 cents per \$100 of assessed value. Last year, it was 27.3 cents. The impact on the average home for 2015 is an increase in municipal taxes from 2014 of approximately \$42. If you compare the amount paid by an average household 6 years ago, in 2010, an average taxpayer is paying \$121 more than in they were paying in 2010 or 4.4% more than they were paying in 2010, an average increase of \$20 per year.

The State imposes a 2% levy cap on municipalities, which means that the amount to be raised by taxation cannot increase from year to year by more than 2% plus several exceptions for items outside municipal control. The State allows certain exception to this cap and also allows banking of the cap from the prior year. The result is that this budget is over \$1,520,580 below the 2% levy cap.

This budget continues the process of implementing the budgetary objectives of the Mayor and Council.

Mr. Hart said that we are looking to decrease debt – fundamentally, looking to pay off more than we expend. Based on Capital Projects & Debt Service Analysis, debt will decrease below \$12 million in the next 5 years, from high of \$16.65 million.

Stabilize use of surplus – Primarily because of decreased revenues, like many municipalities, the Borough for a few years, up until the last three years, was using up its surplus faster than it could regenerate surplus. This trend has been reversed and the Borough’s plan shows the Borough consistently regenerating more surplus than it is using. This is an important objective and critical to continued financial stability.

Fund capital expenditures in operating budget – Big step forward in the last 3 years, now allocating \$600,000 in the 2015 budget. The long term objective is to fund recurring capital items in the operating budget so that the Borough need not incur additional long term debt for these items. This will help to substantially decrease Borough debt over time.

CONSENT RESOLUTION 117-15

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 118-15 Accept Report of the Finance Committee
- Resolution 119-15 Temporary Capital Budget Amendment
- Resolution 120-15 Approve Community Emergency Response Team Volunteers
- Resolution 121-15 Facilities Use Permit – Eastern Christian Schools
- Resolution 122-15 Facilities Use Permit – G. Teel Sports
- Resolution 123-15 Facilities Use Permit – War Eagle Boys Lacrosse
- Resolution 124-15 Tree Removal Permit – 861 Azrec Trail
- Resolution 125-15 Stipulation of Settlement – Premier Homebuilders
- Resolution 126-15 Stipulation of Settlement – Cohen
- Resolution 127-15 Stipulation of Settlement – Finnan
- Resolution 128-15 Recreation Trails Grant Application
- Resolution 129-15 Adopt Hazard Mitigation Plan
- Resolution 130-15 Tax Refund – Fuda
- Resolution 131-15 Remembrance of Armenian Genocide

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. Discussion – none.

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 President Kelly:

- March 3, 2015 Work Session
- March 5, 2015 Special Meeting
- March 17, 2015 Regular Meeting
- March 17, 2015 Closed
- March 26, 2015 Special Meeting

Roll Call Vote:

Ayes: Cadicina (with exceptions), Kahwaty, Kelly (with exceptions), Lambrix (with exceptions), Ramsey (with exceptions), Swist (with exceptions)
Nays:
Abstain: Cadicina – March 3, 2015; Kelly – March 5, 2015; Lambrix – March 17, 2015 Regular and Closed; Ramsey – March 3, 2015, March 5, 2015 and March 26, 2015

Absent:
Motion Approved.

OLD BUSINESS

Councilmember Lambrix asked about an update regarding the Mayor and Council goals for the year 2015. Mr. Hart said that the goals will be discussed at the May 7th Work Session meeting.

NEW BUSINESS

Mr. Hart reported that proposals have been submitted for the affordable housing administrative agent for the new units being constructed on Colonial Road. The contract will be awarded to D&M Properties at the May 7th Work Session.

Deputy Clerk, Jennifer Crespo, reported that Franklin Lakes Lions Club has applied for a One Day Liquor License for a wine tasting event on June 5, 2015.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1626 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1626

AN ORDINANCE AMENDING CHAPTER 390 “SEWERS AND SEWAGE DISPOSAL” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT DIVERSION OF WATER INTO STORM SEWERS

WHEREAS, Ordinance 1626 was introduced at a meeting of the Mayor and Council held on the 21st day of April 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 1626 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1626 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of May 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 1626; 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 President Kelly. Discussion – none.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Move to take up consideration of Ordinance 1627 for Introduction, and direct the Deputy Clerk to read by title was made by Councilmember Lambrix, seconded by Council President Kelly. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1627

AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2015

WHEREAS, Ordinance 1627 was introduced at a meeting of the Mayor and Council held on the 21st day of April 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 1627 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1627 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of May 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 1627; 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 Cadicina. Discussion – none.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Move to take up consideration of Ordinance 1628 for Introduction, and direct the Deputy Clerk to read by title was made by Councilmember Kahwaty, seconded by Council President Kelly. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1628

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 \$1,490,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,419,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

WHEREAS, Ordinance 1628 was introduced at a meeting of the Mayor and Council held on the 21st day of April 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 1628 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1628 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of May 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 1628; 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 Council President Kelly. Discussion – none.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:

Motion Approved.

Move to take up consideration of Ordinance 1629 for Introduction, and direct the Deputy Clerk to read by title was made by Councilmember Cadicina, seconded by Council President Kelly. On voice vote, all in favor.

The Deputy Clerk read the Ordinance by title only.

ORDINANCE 1629

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 395
“SMOKING” OF THE CODE OF THE BOROUGH OF FRANKLIN
LAKES PERTAINING TO POSTING OF SMOKE-FREE SIGNS**

WHEREAS, Ordinance 1629 was introduced at a meeting of the Mayor and Council held on the 21st day of April 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 1629 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1629 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of May 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 1629; 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 Council President Kelly. Discussion – none.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:
Motion Approved.

CLOSED SESSION

At this time, there were no items to discuss in Closed Session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Cadicina, seconded by Council President Kelly. On voice vote, all in favor.

Resolution 118-15 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 \$370,731.69 as shown on the Claims Bill List; \$3,869.50 as shown on the Soil Account Bill List and \$337.50 as shown on the Developers Escrow List.

Resolution 119-15 Temporary Capital Budget Amendment

- Please See Attached Resolution -

Resolution 120-15 Approve Community Emergency Response Team Volunteers

WHEREAS, the Borough of Franklin Lakes solicits residents to serve their community during emergency situations such as Community Emergency Response Team (CERT) and OEM Auxiliary volunteers under the Supervision of the Franklin Lakes Emergency Coordinator (EMC); and,

WHEREAS, training for CERT and OEM Auxiliary members, including but not limited to the CERT program, is made available through agencies such as the Federal Emergency Management Association, New Jersey Office of Emergency Management, Bergen County Office of Emergency Management, Franklin Lakes Office of Emergency Management or other training programs (e.g. American Red Cross); and,

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 following volunteers be approved:

Julia Browne	Danielle Capozzi
Judy Lee	Theresa Meese
Sarah Teschen	Denise Weil
Jeffrey Zaentz	

BE IT FINALLY RESOLVED that a copy of this resolution be provided to the Franklin Lakes Emergency Management Coordinator.

Resolution 121-15 Facilities Use Permit – Eastern Christian Schools

WHEREAS, the Eastern Christian High School has requested the use of Borough facilities, McBride Field and Pulis Avenue Field for its Lacrosse Practices to be played weekdays 3:15 PM till 5:15 PM whenever fields are available March 16, 2015 through May 15, 2015;

WHEREAS, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

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 Eastern Christian High School is hereby granted permission to use Borough facilities, for its Lacrosse Practices to be held weekdays 3:15 PM till 5:15 PM whenever fields are available March 16, 2015 through May 15, 2015, subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Eastern Christian High School and the Recreation and Parks Director.

Resolution 122-15 Facilities Use Permit – G. Teel Sports

WHEREAS, G. Teels Baseball & Softball Training Center, 445 Braen Avenue, Wyckoff, NJ 07481, has requested the use of Borough Facilities, Pulis Field, July 6th through July 10th; July 20th through July 24th and August 3rd through August 7th for baseball and softball camps; as described on the Field/Building Use Permit dated February 11, 2015, on file in the Borough Clerks Office; and

WHEREAS, the Recreation and Parks Director has reviewed the request and has no objection to the use of the Pulis Avenue field for the dates requested;

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 G. Teels Baseball & Softball Training Center, is hereby granted permission to use Borough facilities as described on the Field/Building Use Permit dated February 11, 2015; provided the applicant complies with all requirements of the Borough's facilities use ordinance; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to G. Teels Baseball & Softball Training Center and the Recreation and Parks Director.

Resolution 123-15 Facilities Use Permit – War Eagle Boys Lacrosse

WHEREAS, the War Eagles Lacrosse has requested the use of Borough facilities, Muni Fields 1 and 3, for its Boys Lacrosse Tournament to be held Saturday May 16, 2015 and Sunday May 17, 2015;

WHEREAS, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

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 War Eagles Lacrosse is hereby granted permission to use Borough facilities, for its Boys Lacrosse Tournament to be held Saturday May 16, 2015 and Sunday May 17, 2015 subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to War Eagles Lacrosse and the Recreation and Parks Director.

Resolution 124-15 Tree Removal Permit – 861 Aztec Trail

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, Mrs. Price, who resides at 861 Aztec Trail, 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 March 24, 2015;

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 March 24, 2015 is hereby approved, and the tree removal application for 861 Aztec Trail 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 Mrs. Price, the Tree Specialist and the Shade Tree Commission.

Resolution 125-15 Stipulation of Settlement – Premier Homebuilders

Block: 1110.04
Lot: 1
Street Address: 649 Dakota Trail
Owner: Premier Homebuilders, LLC

WHEREAS, an appeal of the tax assessment for the years 2012, 2013, and 2014 has been filed for the above-noted property; and

WHEREAS, an adjustment in the assessed value has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 540,000	\$ 540,000
Improvements	\$ 781,900	\$ 781,900
Total	\$1,321,900	\$1,321,900

Resolution 126-15 Stipulation of Settlement – Cohen

Block: 1607.09
Lot: 1
Street Address: 833 Winton Gait Lane
Owner: Cohen, Daniel and Lauren

WHEREAS, an appeal of the tax assessment for the years 2012, 2013, and 2014 has been filed for the above-noted property; and

WHEREAS, an adjustment in the assessed value has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 555,900	\$ 555,900
Improvements	\$1,326,600	\$1,244,100
Total	\$1,882,500	\$1,800,000

Resolution 127-15 Stipulation of Settlement – Finnan

Block: 1201.03
Lot: 18
Street Address: 300 Locust Court
Owner: Finnan, John and Linda

WHEREAS, an appeal of the tax assessment for the years 2013 and 2014 has been filed for the following property; and

WHEREAS, an adjustment in the assessed value of the above property has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 433,600	\$ 433,600
Improvements	\$ 804,900	\$ 616,400
Total	\$1,238,500	\$1,050,000

Resolution 128-15 Recreation Trails Grant Application

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, that application be made to the New Jersey Division of Environmental Protection, Green Acres Program, for grant funding under the 2015 Recreational Trails Grant Program for an extension of the Old Mill Woodlands Primitive Trail Network; and,

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to submit the application and necessary supporting documentation on behalf of the Borough of Franklin Lakes for the aforesaid grant application; and,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Department of Environmental Protection, Green Acres Program, and the Chief Financial Officer.

Resolution 129-15 Adopt Hazard Mitigation Plan

WHEREAS the Borough of Franklin Lakes, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

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

1. The Bergen County Multi-Jurisdictional *Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 13, 2015* by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the Borough of Franklin Lakes; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Franklin Lakes departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Franklin Lakes, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

PASSED by the Mayor and Council of the Borough of Franklin Lakes, this 21st day of April, 2015.

Resolution 130-15 Tax Refund – Fuda

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 2014, on Block 1504.04 Lot 8 whose property location is 806 Iron Latch Road, homeowners Fuda, Frank & Concetta,

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>
1504.04	8	\$ 192,900 (2014)	\$3,032.39
		Preliminary 1Q 2015 Taxes Paid in full 2/6/15	\$ 758.10
		Total Refund	<u>\$3,790.49</u>
		<u>Credit 2Q 2015 Taxes</u>	\$ 758.10

All checks made payable to:
 Jacobus & Associates, LLC
 Trustee for Fuda, Frank & Concetta
 Fuda, Frank & Concetta
 301 South Livingston Avenue
 Suite 105
 Livingston, NJ 07039

Resolution 131-15 Remembrance of Armenian Genocide

WHEREAS, the present year, 2015, marks the 100th anniversary of the beginning of the infamous episode known as the Armenian Genocide, the first attempt in the 20th Century to exterminate an entire people; and,

WHEREAS, that event, which was launched on April 24th, 1915, and continued through 1923, resulted in approximately 1.5 million Armenians perishing in their ancestral lands of Asia Minor and during their deportation at the hands of the Ottoman and Turkish authorities; and,

WHEREAS, many of those who survived the Armenian Genocide did so with the courageous assistance of defiant and selfless people within Asia Minor and elsewhere in the Middle East, in Europe, and beyond; and,

WHEREAS, tens of thousands of survivors found safe haven in the United States of America, which raised its lantern with the proclamation, "Give me your tired, your poor, your huddled masses yearning to breathe free"; and,

WHEREAS, Armenians, in the light of American freedom, settled and built families, raising their children, grandchildren and great grandchildren in communities, including Franklin Lakes; and,

WHEREAS, survivors and their descendants, cherishing the opportunities afforded by our great nation, thrive in myriad occupations and positions of leadership in our communities, businesses, government and institutions; and,

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 Friday, April 24, 2015, will be designated as "Armenian Genocide Remembrance Day" in the Borough of Franklin Lakes; and,

BE IT FURTHER RESOLVED that we honor the memory and legacy of those who perished in the Armenian Genocide one century ago.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally T. Bleeker". The signature is written in a cursive, flowing style.

Sally T. Bleeker, Borough Clerk