

MEETING OF THE MAYOR AND COUNCIL
MAY 5, 2015
7:30 P.M.

A regular meeting of the Mayor and Council was held on May 5, 2015, in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professionals responded to the roll call: Mayor Bivona, Councilperson Cadicina, Councilperson Kahwaty, Council President Kelly, Councilperson Lambrix, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PROCLAMATION

Mayor Bivona reads the following proclamation:

Municipal Clerk's Week
May 3 - 9, 2015

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Frank Bivona, Mayor of the Borough of Franklin Lakes, do recognize the week of May 3 through May 9, 2015, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Sally Bleeker, Deputy Clerk Jennifer Crespo and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

PRESENTATION BY NEW JERSEY AUDOBAN SOCIETY – LORRIMER SANCTUARY DEER FENCE

John Cecil introduced himself and said that he works for the New Jersey Audubon Society. Mr. Cecil introduced Patrick Scheuer who oversees the sanctuary in Franklin Lakes. Mr. Cecil stated that the sanctuary has been in operation for 60 years and offers many free programs to the public. The Audubon Society is working throughout the State to improve and revitalize many of their properties for both wildlife and the public. One of the problems facing the center in Franklin Lakes is the deer population and their impact on the regeneration of the forest and native plants. Mr. Cecil stated that they would like to install a deer fence within acceptable setbacks which would allow them to spruce up the property. In addition, the improvements would include a handicapped accessible trail for the public.

Mayor Bivona stated that the Audubon’s Lorrimer Sanctuary is a wonderful asset to the town. Upon questioning Mr. Scheuer explained that the deer eat the native plants which lead to a take-over by evasive species. Mayor Bivona recalled that the current Mayor and Council considered allowing deer fences in Franklin Lakes but decided against it. He suggested that the Lorrimer Sanctuary seek a variance from the Zoning Board of Adjustment.

After some discussion, Mr. Hart said that the application in front of the Zoning Board would probably move quickly since the Zoning Board calendar is clear at this time. Mr. Cecil said that he had hoped that a specific exception could be made in this case similar to what had been done at Drew University in Madison. Councilperson Kelly suggested amending the ordinance to allow deer fencing on the Audubon property which is a State sponsored organization. Mr. Cecil said he would provide the Drew University ordinance to Mr. Hart. Mayor Bivona said he would prefer the Audubon Society apply for a variance which would mean that the neighbors would have to be notified. He did not think that the ordinance should be amended at the request of one group.

Mr. Cecil explained that they wanted to avoid appearing at the Zoning Board due to the cost involved. He felt that the Lorrimer Sanctuary adds much to the community and this could be recognized by the Council through an amendment to the ordinance. In conclusion, Mr. Cecil said they would forward the ordinance to the Council.

ORDINANCE FOR FINAL READING AND ADOPTION

ORDINANCE 1625

**SECOND SUPPLEMENTAL ORDINANCE AMENDING BOND
ORDINANCE 1610 PROVIDING FOR CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF FRANKLIN
LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, Ordinance 1625 was introduced at a meeting of the Mayor and Council held on the 7th day of April, 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 1625 be and the same is hereby adopted on second and final reading; and,

BE IT FINALLY RESOLVED that the Borough Clerk is hereby authorized and directed to publish the Notice of Adoption as required by law.

Motion made by Councilperson Kahway to take up Ordinance No. 1625 for consideration of adoption on second and final reading and direct the Clerk to read by title, seconded by Councilperson Swist. On voice vote, all in favor.

The Clerk read Ordinance 1625 by title.

Motion to open the hearing to the public was made by Councilperson Ramsey. Seconded by Councilperson Lambrix. On voice vote, all in favor.

No one from the public came forward to speak.

Motion to close the time for public comment was made by Councilperson Kahwaty. Seconded by Councilperson Lambrix. On voice vote, all in favor.

Resolution read and introduced by Councilman Kahwaty, seconded by Councilperson Cadicina. Discussion - none.

Roll Call Vote

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

Nays:

Abstain:

Absent: None

Motion Approved

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 Cadicina made a motion to close the time for public comment, seconded by Council President Kelly, all ayes.

BOROUGH ENGINEER'S REPORT

Status Report

Kevin Boswell and Eileen Boland, of Boswell Engineering, introduced themselves. Ms. Boland stated that a meeting has been set for May 14th at 10:00 A.M. relative to the Road Program. Mr. Boswell said that they are hoping to bid the sanitary sewer program for the Municipal Complex on May 28th at 10:00 A.M. Mr. Boswell and Mr. Hart met with residents from Mabel Ann Avenue concerning sewer connection and overall the program was well received. He did point out that only four property owners out of the eighteen who live on the street attended the meeting. Mayor Bivona reiterated that the problem is that residents don't want to spend the money on a sewer connection. He stated that he and Mr. Hart met with representatives of the North West Bergen Utilities Authority (NWBUA) to work on ideas and incentives that might get residents interested in connecting to the sewers. Mr. Hart explained that they discussed a strategy whereby residents could connect into the sewer line for \$18,000 plus the connection fee. As an example, the Borough could finance these fees upfront and the cost could be paid back to the Borough.

Mr. Boswell explained that the sewer contract could be awarded in June if the project is bid by May 28th. This means the work at the Mabel Anne Avenue/Pulis Avenue location could be done prior to the start of school in September.

Councilperson Lambrix asked about the Primitive Trail network. Mr. Boswell explained the status of the bridge construction and added that the plans have been submitted to the Building Department.

Regarding the addition to Police Headquarters, Councilperson Ramsey stressed the importance of obtaining a cost estimate for the work. Mr. Boswell said that the engineering issues have been resolved and his portion of the work is now complete. Mr. Hart said that the architect will have the bid package ready in a week.

Mr. Hart stated that the grant application for the paving of the remainder of Huron Road was denied. He discussed this with the grant professional who in turn spoke to the

Department of Transportation. The DOT suggested that an application be filed under the Discretionary Grant Program. This program has a deadline of June 18th and a resolution could be scheduled for May 19th. Mr. Boswell observed that this grant company is very effective in understanding the funding process and has a better chance of success in obtaining this grant than the engineering department.

NBCUA Sewer Operator Proposal

Mr. Hart explained that when the sewers are accepted for Colonial Road, the Borough is legally obligated to provide a licensed sewer operator or contract for that service. Rather than carrying this additional cost and responsibility for the DPW, Mr. Hart is recommending that NBCUA act as the sewer operator. The NBCUA proposal would cost the Borough \$3,000 and will be on the May 19th agenda for approval. Mr. Boswell recommended the proposal and Councilmembers were in agreement.

RESOLUTION 132-15 CONSENT AGENDA

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 133-15 Accept Report of the Finance Committee
Resolution 134-15 Award Contract – Affordable Housing Administrative Agent
Resolution 135-15 Award Contract – Recreation Center Sewers

Resolution introduced by Councilperson Kahwaty. Seconded by Council President Kelly. Discussion – None.

Roll Call Vote

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

MAYOR'S REPORT

Mayor Bivona reviewed Mr. Hart's summarized report of the goals and objectives. He asked Councilmembers to expedite their review of the document so that it can be formalized in a resolution on May 19th.

Mayor Bivona reported that the wellness equipment has arrived and has been installed by the DPW. He encouraged everyone to attend the Living Healthy Challenge on Wednesday nights at the Ambulance Corp building. There are activities and speakers who discuss healthy life styles. Mayor Bivona spoke about the "Baskets for Franklin Lakes" event on June 13th. He referred to an article in a recent Municipal League Magazine relative to COAH, which contained information from the New Jersey Builders Association.

Mayor Bivona reminded everyone of Clean Up day this Saturday at 9:00 A.M. as well as the Memorial Day Parade. He reported that he attended a breakfast today at the YMCA which was attended by as many as 400 veterans.

COMMITTEE/LIAISON REPORTS

PUBLIC SAFETY

- **Shared Service Agreement with Oakland**

Mr. Hart stated that this agreement is being implemented on a trial basis. The Fire Chief is comfortable with the agreement that provides Franklin Lakes' vehicle and manpower support for fire services in Oakland and vice-versa. This is a trial basis agreement and will be evaluated in three months. The resolution will be added to the May 19th agenda.

Councilperson Ramsey reported that the Police Chief is attending the Senior Citizen's meeting tomorrow. Mr. Hart stated that the Emergency Management Coordinator wants to donate a vehicle to the Borough for Emergency Management purposes.

ADMINISTRATION AND FINANCE

- **Borough Code Update**

Mr. Hart said that this month he has reviewed and recommended changes relative to ordinances regarding Certificates of Occupancy, smoke detectors and property maintenance. There was a discussion of the requirement for snow removal on sidewalks and it was recommended that the traffic officer review the recommendations proposed to this section of the code.

PUBLIC WORKS

- **Used Cab and Chassis Bids**
- **Mason Dump State Contract**

Mr. Hart said that one bid was received for each of the two trucks. The bids were within the \$130,000 appropriation and the award of bid is scheduled for the meeting of May 19th. The DPW Superintendent has recommended an award under the State contract for the mason dump truck which is \$58,000 and will be scheduled for May 19th. Mr. Hart reported that four bids for lawn maintenance have been received. The base bid is for all Borough fields and the other bid is for road side areas. Mr. Hart said that the bids fluctuated from a low of \$21,975 to a high of \$175,600 for Borough fields and the low bid for the various roadside areas was \$6,500. He will check the references provided by the contractors and a recommendation will be made at the May 19th meeting.

ENVIRONMENTAL & COMMUNITY AFFAIRS

Councilperson Swist spoke about Spring Clean-Up Day. Participants will meet and be deployed from the Nature Preserve. She reported on the Film Festival which takes place on Thursday at 7 P.M. at the Wyckoff Library. Tonight's film will be followed by a guest speaker. Councilperson Swist said that Carole Holden and Liz Morris want to continue the work on recycling. It was reported by Ms. Morris, Borough Recycling Coordinator, that an additional 600 tons of recycling has been reported over last year's figures which are a result of education and encouragement over time.

Councilperson Swist will attend the Senior Citizens meeting tomorrow. Someone from the Library will speak regarding Facebook and other social media sites. Plans for the Memorial Day Parade are progressing and she asked the Mayor and Council to march in the Parade.

PLANNING & DEVELOPMENT

- **Solar Energy Systems**

Councilperson Kahwaty reported on changes to the Solar Energy ordinance which would allow the Construction Official to approve the proposed locations of solar panels. The ordinance would also allow an applicant the right to seek variance approval from the Zoning Board if the request were denied by the Construction Official. Mr. Hart will work with the Construction Official on the fee to be charged for this solar application. After some discussion, Mr. Hart said that an escrow fee would be charged if reviews by the engineering officer and a tree specialist were required.

Councilperson Lambrix expressed concern about front roof installation of the solar array and he asked if there should be a requirement of notice to the neighbors this case. He suggested a public hearing if the solar panels are proposed to be placed on the front roof of a dwelling. Panels at the front of the dwelling cannot be barred under State law but several councilmembers thought that this should be decided by the Zoning Board if it can be proved that light is not adequate in the rear. Councilperson Lambrix reiterated that input from neighbors within 200 feet should be considered for solar arrays in the front of the house, however, Mayor Bivona stated again that the law allows for solar panels in the front of the house. Councilperson Lambrix said that the neighbors should be given the opportunity to present their case and hire experts as they feel necessary.

After a long discussion, Mr. Hart stated that the ordinance could be worded so that a variance application to the Zoning Board would be allowed if a front facing array is the only option. An ordinance would require that a solar array must be located in the rear of the dwelling unless evidence is presented to prove that the rear location will not be effective. Mr. Hart said he would review this with Mr. Smith and present an outline at the June work session.

RECREATION AND PARKS

Council President Kelly said that a request has been made for a temporary net which would prevent lacrosse balls from being hit into adjoining fields. The net would remain up for the duration of the lacrosse season and would protect children from being hit by a ball while playing in these fields. A successful kick-off was held for the Baseball/Softball Program and was attended by between 300 and 400 people.

Council President Kelly stated that the Mayor's ten week Wellness Program is in week four and continues to be successful. The YMCA project continues to be on target.

- **Facilities Use – Franklin Lakes Lions Club**
- **Facilities Use – Becton Dickinson**
- **Facilities Use – Iron Matt**
- **Bicycle Touring Club of North Jersey – Ramapo Rally**

Councilmembers considered facility use applications from the organizations listed above and all four were given approval.

Mr. Hart received a request today for the use of the Municipal Field on July 4th by the Christian Assembly for their annual church picnic. The request covers the time period of 8:00 A.M. to 6:30 P.M. Children from Franklin Lakes attend the church which is located in Wayne.

After some discussion on whether or not use of the fields should be opened to organizations outside of Franklin Lakes, Councilperson Cadicina suggested that they put these organizations on notice that use of the fields is going to be limited in the future and that they should make alternative arrangements. Mayor Bivona said that this has been done in some instances and they should continue to let these organizations know that use is approved this year but that doesn't guarantee that the same use will be approved in the future. After some discussion, Councilmembers agreed that Christian Assembly should be encouraged to look for an alternative venue for future picnics due to wear and tear on Franklin Lakes fields. The Council decided that this type of language, encouraging organizations without ties to Franklin Lakes, should be standardized in a resolution. Councilperson Kahwaty stressed the importance of a unified policy with standards. Mayor Bivona said this should be done on a discretionary basis because it is difficult to write a "one size fits all" policy. Mr. Hart said he will review the list of group five organizations and make a recommendation to the Council.

Mr. Hart stated that a facilities use application has been received from Sam Sharf Sports for a four hour baseball clinic/showcase on June 18th for local high school athletes. Mayor Bivona said that this is a company from Florida that attracts people from all over and has nothing to do with the residents of Franklin Lakes. After a brief discussion, Councilmembers voted against this use.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart stated that the Mayor and Council awarded a contract for the appointment of an administrative agent to administer affordable housing for the Franklin Lakes Realty property on Colonial Road. The contract for Mill Pond needs to be renewed with Sterling Properties and this item will be added to the May 19th agenda.

Mr. Hart reported on the Finance Committee meeting to review the six year capital plan. This will be presented to the Mayor and Council at the June work session.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

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, May 5, 2015 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Collective Bargaining – PBA
- Personnel – Technical Assistant
- Tax Appeal – Divak

BE IT FURTHER RESOLVED, that the discussion conducted in closed session shall be disclosed to the public once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion by Councilperson Kahwaty, seconded by Councilperson Cadicina at 9:45 P.M.

Roll Call Vote

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

Nays:

Abstain:

Absent: None

Motion Approved

Mayor and Council returned at 10:15 P.M.

ADJOURNMENT

Motion by Councilperson Kahwaty to adjourn the meeting at 10:15 P.M. Councilperson Cadicina seconded the motion.

Roll Call Vote

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

Nays:

Abstain:

Absent: None

Motion Approved

Resolution 133-15

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 \$6,921,208.60 as shown on the Claims Bill List; \$75.00 as shown on the Soil Account Bill List and \$240.00 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of April 9, 2015 in the amount of \$187,631.99 and the payroll of April 23, 2015 in the amount of \$189,924.17 be hereby ratified and approved.

Resolution 134-15

Appoint Administrative Agent – Franklin Lakes Realty Property

WHEREAS, the Borough’s Municipal Housing Liaison solicited proposals for providing Administrative Agent services for the affordable units at the Franklin Lakes Realty property; and,

WHEREAS, the Mayor and Council wish to enter into an agreement with D&M Property Management, LLC, P.O. Box 286, Freehold, New Jersey 07728 for the purpose of administering and enforcing the affordability controls and the Borough’s Affirmative Marketing Plan, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et.seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et.seq., which agreement shall be in a form approved by the Borough Attorney; and,

WHEREAS, the agreement designates D&M Property Management, LLC, as the Administrative Agent for all the affordable units in the Franklin Lakes Realty development on Colonial Road, an inclusionary development in the Borough’s affordable housing program;

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 Mayor and Borough Clerk are hereby authorized and directed to sign an agreement on behalf of the Borough with D&M Property Management, LLC, designating D&M Property Management, LLC, as the Administrative Agent for affordable housing units in the Franklin Lakes Realty development on Colonial Road, in a form approved by the Borough Attorney; and,

BE IT FURTHER RESOLVED that the Municipal Housing Liaison shall act as the liaison to D&M Property Management, LLC; and,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Council On Affordable Housing and to D&M Property Management, LLC.

Resolution 135-15

WHEREAS, the Borough of Franklin Lakes advertised for and opened bids on February 20, 2015 for the Proposed Sanitary Sewer Improvements for the Pulis Avenue Recreation Center; and

WHEREAS, the Mayor and Council wish to award this contract to the lowest responsible bidder; and

WHEREAS, ten (10) companies submitted a bid for the Proposed Sanitary Sewer Improvements for the Pulis Avenue Recreation Center; and

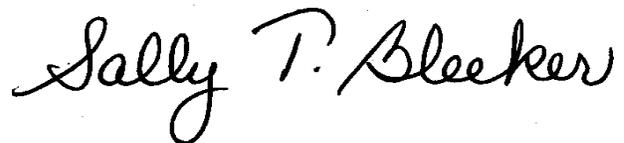
WHEREAS, the Borough Engineer has reviewed the bids submitted and has determined that the bids meet the specifications.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey as follows:

1. Rock Solid Construction, Inc., 83 Clifford Street, Newark, NJ 07102, is hereby awarded the contract for the Proposed Sanitary Sewer Improvements for the Pulis Avenue Recreation Center for the lowest responsible bid amount of \$194,440 in accordance with the bid specifications.
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

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

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