

MEETING OF THE MAYOR AND COUNCIL

June 16, 2015

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, June 16, 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 Kahwaty, Council President Kelly, Councilmember Lambrix, Councilmember Ramsey and Councilmember Swist. Also present were Borough Administrator Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Absent was Councilmember Cadicina.

SUNSHINE LAW STATEMENT

Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

Councilwoman Ramsey asked for a moment of silent reflection for former Councilman Arthur C. Ward who has passed away.

PROCLAMATIONS

Honor Crossing Guard Barbara Schaaf

WHEREAS, Barbara Schaaf, crossing guard for the Borough of Franklin Lakes for nearly 30 years, is retiring at the end of the 2014-2015 school year; and,

WHEREAS, Barbara was hired as a crossing guard by the Borough on October 9, 1985; and,

WHEREAS, from the day she was hired to her retirement, Barbara has dutifully taken her post at High Mountain Road School; and,

WHEREAS, Barbara has been a great asset to the Borough as a crossing guard and will be missed by the Police Department, residents, and, most of all, by students of High Mountain Road School;

NOW THEREFORE, I, FRANK BIVONA, Mayor of the Borough of Franklin Lakes, on behalf of the Mayor and Council and the residents of the Borough, wish Barbara Schaaf good health and happiness in her retirement, and do hereby honor and commend her for her many years of outstanding service to the residents of Franklin Lakes, especially the children.

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 16th day of June, 2015.

ORDINANCES FOR FINAL READING AND ADOPTION

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

Summary – This ordinance would prohibit the discharge of water directly into storm sewers or directly into streets.

Motion made by Councilmember Kahwaty to carry Ordinance 1626 to July 21, 2015, seconded by Council President Kelly. On voice vote, all in favor.

Roll Call Vote:

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

Motion made by Council President Kelly to take up Ordinance 1630 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1630

AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEAR 2015

Summary – This ordinance would establish a salary for the position of Technical Assistant to the Construction Official/Fire Prevention Secretary

WHEREAS, Ordinance 1630 was introduced at a meeting of the Mayor and Council held on the 19th day of May, 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 1630 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 Councilmember Kahwaty. 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: Kahwaty, Kelly, Lambrix, Ramsey, Swist
Nays:
Abstain:
Absent: Cadicina
Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilmember Swist, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Police Officer, Gerry Gansel, President of PBA 150 came forward and read the following statement:

Mayor and members of the Borough Council,

I stand before you today representing the membership of our PBA local because of our mutual failed attempt at collective bargaining. Entering these negotiations with an open mind and a preference towards an amicable resolution was fatuous. Utilizing the mechanisms installed by the Christie administration, specifically the two percent cap and the documented inequitable decisions levied against public worker unions in arbitration, the Borough's negotiation team leveraged the terms and ravaged the concept of quid pro quo. This marks the first time our union has ever had to attend a council meeting and address the governing body. I'm confident this monologue will be seen as a bullying tactic or a circumvention of traditional collective bargaining negotiations rules but I assure you, it is solely a cathartic plea towards the Council for their guidance away from arbitration and towards prudence.

Collective bargaining is our only instrument for securing a contract, we cannot strike or take a job action because we have taken an oath before god and country to uphold the law and to protect and serve the residents of this Borough. The mayor has applauded us on numerous occasions, judges and attorneys commend our acumen and our residents' write letters praising our service, we are talented, professional and dedicated. Our officers recognize the symbiotic relationship required between the Governing Body and its residents to promote the peaceful impression of our borough as we are the most tangible factor in ensuring their safety and wellbeing; both parties should respect this and we need to be united in principle, purpose and practice.

The esprit de corps of the rank of file of our department is as dilapidated as the building we operate out of. If polled, our officers would unanimously cite our previous contract and the current environment of the unknown terms coming our way as the dominate elements for our somber position. Furthermore, officers are perplexed by the Borough's hard line position in negotiations when the majority of our most essential equipment is donated. Several patrol vehicles, laptops, RADAR units and police headquarters renovations are privately funded. Our department has no training budget, no DARE programs and no school resource officer.

We are not asking for any lavish provisions, merely to have our officers' financial outlook resemble somewhat the contract in place when they began their careers in Franklin Lakes. The officers' most directly impacted by the previous contract and current negotiations are the youngest. These officers include those that came here from other departments importing with them priceless law enforcement experience and alternate route officers who dedicated themselves to this career without the safety net of a job or source of income for 6 months. These officers are the department's future leaders and policy makers, it is imperative to retain and exercise their knowledge for years to come.

Referring to poor officers retention in recent years, Midland Park Police Chief Powderley in an April 30th article stated, "It has been challenging to attract and retain young police officers; our new PBA contract enhances the pay for young officers, making us more in line with neighboring communities." For years Midland Park was plagued by a poor relationship between the governing body and its officers due to noncompetitive pay and failed policy, a future we would like to prevent.

The members of this department are all tax payers in this state; we respect your financial obligation to keep the tax burden at a minimum but beg you not to do it on our backs. The Borough's ever expanding foot print continues to grow with the two Colonial Road housing units being constructed as well as the massive High Mountain Golf Club development; the Police Department and Governing Body need stability more than ever as we take on these ventures together. We simply want and hope this conversation can lead to a fruitful resolution satisfying all.

Kathy Stack, 206 Park Road. Mrs. Stack came forward to express concern over the drainage on Birch Road and Park Road. Birch Road and Park Road are eroding and they are doing a stone swale as part of the 2015 Road program which she is not in favor of. She is also concerned over people putting boulders on the edge of their property since the road is not wide enough. Mayor Bivona asked her to bring in pictures of the issue and they will review this with the Borough Engineer. Mrs. Stack said she doesn't want more money put into stone swales that may not address the water pooling issue. Mr. Hart said they can have an onsite meeting with the Borough Engineer.

Laurie Burnette, 860 Woodfield Road. She came forward as a resident and an Ambulance Corp. member to say that she fully supports the Police Department. She wanted to know if

453 De Korte Drive is part of the Affordable Housing plan. Mayor Bivona said he was not able to comment on it at this point. She also asked if there was a plan for the strip mall on Franklin Avenue. Mayor Bivona said he has not seen any plan for that area.

Motion to close the time for public comment was made by Councilmember Kahwaty, seconded by Council President Kelly.

Roll Call Vote:

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

CONSENT RESOLUTION 168-15R

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 169-15 Accept Report of the Finance Committee
- Resolution 170-15 Stipulation of Settlement – Garrambone
- Resolution 171-15 Stipulation of Settlement – McAuley
- Resolution 172-15 Stipulation of Settlement – Meli
- Resolution 173-15 Stipulation of Settlement – Granatell
- Resolution 174-15 Stipulation of Settlement – Pisani
- Resolution 175-15 Stipulation of Settlement – Cox
- Resolution 176-15 Shared Services Agreement – Lending of Vehicles and Equipment
- Resolution 177-15 Amend Personnel Policy – Overtime Policy
- Resolution 178-15 Amend Personnel Policy – Private Email Policy
- Resolution 179-15 Approve 6 year Capital Plan
- Resolution 180-15 Tree Removal Permit – 232 Haven Road
- Resolution 181-15 Tree Removal Permit – 774 Ontario Court
- Resolution 182-15 Tree Removal Permit – 830 Scioto Drive
- Resolution 183-15 Tax Refund – Ruggiero
- Resolution 184-15 Authorize Boat Rental Concession at Nature Preserve
- Resolution 185-15 Award Contract – DPW Tire Changer Equipment
- Resolution 186-15 Cancel Grant Reserves and Private Donations
- Resolution 187-15 Cancel Current Grant Receivables Unexpended Appropriations
- Resolution 188-15 Award Contract – DPW Uniforms

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

Roll Call Vote:

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

RESOLUTIONS

Resolution 189-15 Municipal Sewers – Reject Bids

WHEREAS, the Borough of Franklin Lakes opened bids for the installation of sanitary sewers for the municipal complex on June 2, 2015; and,

WHEREAS, four bids were received and opened, and the bidder that submitted the lowest cost proposal was Underground Utilities, Inc., 711 Commerce Road, Linden, New Jersey; and,

WHEREAS, Underground Utilities, Inc. failed to provide in its bid a list of subcontractors for the furnishing of plumbing work, which was required for certain portions of the work under the bid; and;

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2, the failure to provide a list of subcontractors for the furnishing of plumbing work “shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body,” and therefore the bid submitted by Underground Utilities, Inc. must be rejected as unresponsive; and,

WHEREAS, by Borough Ordinance No. 1628, the Borough appropriated \$1,300,000 for this project, of which \$1,195,000 was allocated to construction costs, with the remaining amount of the appropriation allocated to engineering design and inspections; and,

WHEREAS, the second lowest bid, in the amount of \$1,293,427.76, and all other bids, substantially exceed the amount of the appropriation for construction costs; and,

WHEREAS, N.J.S.A. 40A:11-13.2 provides that a contracting unit may reject all bids if the “lowest bid substantially exceeds the contracting unit’s appropriation for the goods or services”; and,

WHEREAS, the Mayor and Council are desirous of rejecting all bids because of the fatal defect of the low bidder and because the remaining bids substantially exceed the Borough’s appropriation for the project;

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 bids for the installation of sanitary sewers for the municipal complex be and are hereby rejected for the reasons set forth hereinabove; and,

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise for new bids; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to all bidders and the Borough Engineer.

Resolution read and introduced by Councilmember Kahwaty, seconded by Council President Kelly. Discussion – Borough Attorney, Bill Smith, explained why the bids were rejected. The lowest bidder did not supply a list of subcontractors for the plumbing work. The Borough Administrator said there will be an additional addendum for hooking up the Library to the sanitary sewer with all costs of that part to be funded by the Library.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Kahwaty and seconded by Councilmember Cadicina:

- April 13, 2015 Special Meeting
- April 13, 2015 Closed
- May 5, 2015 Work Session
- May 5, 2015 Closed
- May 19, 2015 Regular

Roll Call Vote:

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

OLD BUSINESS

At this time, there was no Old Business to discuss.

NEW BUSINESS

At this time, there was no New Business to discuss.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1632 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1632

AN ORDINANCE AMENDING CHAPTER 356 “PARKS AND PUBLIC LANDS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO EXTEND THE BOATING SEASON AT THE FRANKLIN LAKES NATURE PRESERVE

WHEREAS, Ordinance 1632 was introduced at a meeting of the Mayor and Council held on the 16th day of June 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 1632 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of July 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 1632; 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: Kahwaty, Kelly, Lambrix, Ramsey, Swist
Nays:
Abstain:
Absent: Cadicina
Motion Approved.

Move to take up consideration of Ordinance 1633 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 1633

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ENGINEERING AND ENVIRONMENTAL SERVICES, AND APPROPRIATING \$18,500.00 FOR SAID SERVICES AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY

WHEREAS, Ordinance 1633 was introduced at a meeting of the Mayor and Council held on the 16th day of June 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 1633 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of July 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 1633; 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 Council President Kelly, seconded by Councilmember Kahwaty. Discussion – Councilmember Lambrix supports this Ordinance and suggested sending a letter to all property owners around the pond advising them to consult a specialist about phosphate runoff. Borough Administrator, Greg Hart, will follow-up.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Move to take up consideration of Ordinance 1634 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 1634

AN ORDINANCE AMENDING CHAPTER 404 “SOIL REMOVAL” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REQUIRE FEE FOR TREE SPECIALIST REVIEW IN LIEU OF PAYMENT IN ESCROW

WHEREAS, Ordinance 1634 was introduced at a meeting of the Mayor and Council held on the 16th day of June 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 1634 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of July 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 1634; 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 Council President Kelly, seconded by Councilmember Kahwaty. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Move to take up consideration of Ordinance 1635 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 1635

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE AND AMEND CERTAIN PROVISIONS OF CHAPTER 186 “BUSINESS HOURS,” CHAPTER 193 “CEMETERIES,” CHAPTER 199 “CERTIFICATES OF OCCUPANCY,” CHAPTER 220 “CONSTRUCTION CODES, UNIFORM,” CHAPTER 259 “FIRE PREVENTION,” CHAPTER 272 “FOOD ESTABLISHMENTS,” CHAPTER 300 “LANDUSE AND DEVELOPMENT” AND CHAPTER 373 “PROPERTY MAINTENANCE”

WHEREAS, Ordinance 1635 was introduced at a meeting of the Mayor and Council held on the 16th day of June 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 1635 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of July 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 1635; 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 Council President Kelly, seconded by Councilmember Lambrix. Discussion – Councilmember Ramsey is not in favor of the portion of this Ordinance updating the Borough Code review that changes the business hours.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays: Ramsey

Abstain:

Absent: Cadicina

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 Kahwaty at 8:15 P.M., seconded by Council President Kelly. On voice vote, all in favor.

Resolution 169-15 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 \$138,052.87 as shown on the Claims Bill List; \$2,954.50 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 170-15 Stipulation of Settlement – Garrambone

Block: 1207
Lot: 7
Street Address: 380 Crescent Drive
Owner: Garrambone, Peter and Jane

WHEREAS, an appeal of the tax assessment for the year 2010 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: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 907,500	\$ 907,500
Improvements	\$2,100,500	\$2,017,300
Total	\$3,008,000	\$2,924,800

Resolution 171-15 Stipulation of Settlement – McAuley

Block: 2101.02
Lot: 7
Street Address: 253 Indian Trail Drive
Owner: McAuley, Brian and Jane

WHEREAS, an appeal of the tax assessment for the year 2010 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: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 780,000	\$ 780,000
Improvements	\$2,947,900	\$2,622,600
Total	\$3,727,900	\$3,402,600

Resolution 172-15 Stipulation of Settlement – Meli

Block: 1314.04
Lot: Lot 4
Street Address: 720 Glendale Road
Owner: Meli, Frank and Lisa

WHEREAS, an appeal of the tax assessment for the years 2012, 2013, 2014 and 2015 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 Withdrawn

Tax Year: 2013 Withdrawn

Tax Year: 2014

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 438,000	\$ 438,000
Improvements	\$1,286,800	\$1,212,000
Total	\$1,724,800	\$1,650,000

Tax Year: 2015

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 438,000	\$ 438,000
Improvements	\$1,286,800	\$1,212,000
Total	\$1,724,800	\$1,650,000

Resolution 173-15 Stipulation of Settlement – Granatell

Block: 2602.11
Lot: 5
Street Address: 859 Old Mill Road
Owner: Granatell, David and Lexie

WHEREAS, an appeal of the tax assessment for the year 2010 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: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 689,700	\$ 689,700
Improvements	\$1,996,600	\$1,759,900
Total	\$2,686,300	\$2,449,600

Resolution 174-15 Stipulation of Settlement – Pisani

Block: 2205
Lot: 3.06
Street Address: 401 Jay Court
Owner: Pisani, Michael and Betty Jean

WHEREAS, an appeal of the tax assessment for the year 2010 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: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 572,900	\$ 572,900
Improvements	\$1,930,700	\$1,721,400
Total	\$2,503,600	\$2,294,300

Resolution 175-15 Stipulation of Settlement – Cox

Block: 2101.10
Lot: 21
Street Address: 933 Cherokee Lane
Owner: Cox, Stephen

WHEREAS, an appeal of the tax assessment for the year 2010 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 year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting this adjustment.

Tax Year: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,348,800	\$1,348,800
Improvements	\$1,557,600	\$1,251,200
Total	\$2,906,400	\$2,600,000

Resolution 176-15 Shared Services Agreement – Lending of Vehicles and Equipment

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute a Shared Services Agreement for the lending of vehicles and equipment with the Township of Wyckoff and the Borough of Oakland.

BE IT FURTHER RESOLVED, that the agreement shall be in effect for a five (5) year period beginning June 1, 2015 and expiring May 31, 2020.

Resolution 177-15 Amend Personnel Policy – Overtime Policy

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that paragraph 42 “Overtime Compensation Policy” of the Borough’s Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

42) Overtime Compensation Policy.

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Borough Administrator shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Borough Administrator’s prior approval and at the sole discretion of the Borough Administrator.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved in writing prior to the overtime being incurred by the Department Head and the Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of 40 in a weekly period. Overtime compensation shall generally be in the form of overtime pay; except that the Borough Administrator may permit overtime compensation in the form of compensatory time off in exceptional circumstances. Accrued and taken overtime compensating hours must be noted on the employee’s time records.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of 40 hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation

time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of the employee's regularly scheduled number of hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.

Employees must make a request to their Department Head at least two days in advance when they want to take compensating time off. The Department Head and Borough Administrator will approve the request if the absence does not cause undue hardship to the Department.

Overtime or compensatory time is calculated in one minute increments. Except in emergencies, the Department Head shall provide prior written approval for a specific amount of overtime, such as 30 minutes or an hour, and the employee shall only be entitled to compensation for the amount of time so approved. For purposes of this provision, emergency response by DPW workers, such as for snowplowing, shall be considered an emergency.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to every employee.

Resolution 178-15 Amend Personnel Policy – Private Email Policy

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that the fourth paragraph of paragraph 30 "Communications Medial Policy" of the Borough's Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are encouraged to use the assigned municipal email account for all Borough business and correspondence.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to every employee.

Resolution 179-15 Approve 6 year Capital Plan

WHEREAS, the Mayor and Council have reviewed the capital budget requests of each of the Borough departments for the next six years and developed a capital plan which addresses the capital needs of the Borough over the next six years; 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 report entitled "Capital Projects Analysis 2014-2020" dated June 10, 2015 be and his hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer.

Resolution 180-15 Tree Removal Permit – 232 Haven Road

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, Salvias Christioios, who resides at 232 Haven Road, 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 May 28, 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 May 28, 2015 is hereby approved, and the tree removal application for 232 Haven Road 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 Salvas Christioios, the Tree Specialist and the Shade Tree Commission.

Resolution 181-15 Tree Removal Permit – 774 Ontario Court

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, Mr. & Mrs. Antaki, who resides at 774 Ontario Court, 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 May 28, 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 May 28, 2015 is hereby approved, and the tree removal application for 774 Ontario Court 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 Mr. & Mrs. Antaki, the Tree Specialist and the Shade Tree Commission.

Resolution 182-15 Tree Removal Permit – 830 Scioto Drive

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, Mr. & Mrs. McKnight, who resides at 830 Scioto Drive, 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 May 7, 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 May 7, 2015 is hereby approved, and the tree removal application for 830 Scioto Drive 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 Mr. & Mrs. McKnight, the Tree Specialist and the Shade Tree Commission.

Resolution 183-15 Tax Refund – Ruggiero

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 2101.10 Lot 12 whose property location is 628 Winding Hollow Drive, homeowners Ruggiero, Anthony & Marie,

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>
2101.10	12	\$ 306,500 (2013)	\$ 4,772.21
		\$ 306,500 (2014)	\$ 4,818.18

Total Refund \$ 9,590.39

All checks made payable to:
McCarter & English, LLP.
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

Resolution 184-15 Authorize Boat Rental Concession at Nature Preserve

WHEREAS, the Mayor and Council are desirous of permitting a vendor to rent boats at the Franklin Lakes Nature Preserve; and,

WHEREAS, N.J.A.C. 5:34-9.4 requires that a municipality, to authorize the right to sell services on public property, must adopt an authorizing resolution;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey that the Borough Administrator be and is hereby authorized to solicit proposals for renting boats at the Franklin Lakes Nature Preserve, which is further described as follows:

- i. Description of public need – Allow more of the public to take advantage of boat access at the Nature Preserve;
- ii. Concession to be awarded – Rental of boats at the Nature Preserve;
- iii. The considerations, including the benefits and any risks the governing body took into account in reaching the decision to award a concession – Benefit to the public outweigh any concerns;
- iv. An estimate of the total value of the concession – Value is offset entirely or nearly entirely by the costs of operating the boat rental;
- v. In any, an estimate of any revenue or services to be received by the contracting unit – Not applicable;
- vi. The basis of award of the concession is based upon the most advantageous price and other factors or the lowest responsible bidder – Most advantageous price and other factors;
- vii. An estimate of any costs to be incurred by the contracting unit as part of the concession – None;
- viii. Any services, facilities, or endorsement to be provided by the contracting unit – Promotion of event on Borough website, e-blast, and social media; and
- ix. The method to be used to procure the concession – Informal quotations.

Resolution 185-15 Award Contract – DPW Tire Changer Equipment

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for Tire Changer equipment for the Department of Public Works; and

WHEREAS, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

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

1. Mohawk Resources, LTD, 65 Vrooman Avenue, PO Box 110, Amsterdam, NY 12010 is hereby awarded a contract in the amount of \$12,964.43
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

Resolution 186-15 Cancel Grant Reserves and Private Donations

WHEREAS, certain unexpended grant reserve and private donation balances remain on the Current Fund Balance Sheet; and,

WHEREAS, it has been determined that the respective grant periods have expired and the unexpended funds are no longer necessary for the original purpose; and,

WHEREAS, it is necessary to formally cancel said grant reserve and private donation balances from the Current Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin Lakes, that the following appropriated grant reserve and private donation balances be cancelled; and

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Franklin Lakes, that these funds be transferred to the Borough's Beautification Trust Fund:

<u>Grant</u>	<u>Amount</u>
2008 BCUA Muni Recycling	\$4,677
Enforcement & Education	331
2009 NJ Clean Energy	4,407
2010 Sustainable Jersey SM	273
Private Donations	<u>6,396</u>
	\$16,084

Resolution 187-15 Cancel Current Grant Receivables Unexpended Appropriations

WHEREAS, certain grant receivable balances remain on the Current Fund Balance Sheet; and,

WHEREAS, unexpended budget appropriation balances associated with these receivables remain on the Current Fund Balance Sheet; and,

WHEREAS, it is necessary to formally cancel said grant receivable and unexpended budget appropriation balances from the Current Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin Lakes, that the following grant receivable and unexpended budget appropriation balances be cancelled as of June 16, 2015:

<u>Grant Description</u>	<u>Receivable Balance</u>	<u>Unexpended Appropriation</u>
ADA Compliant Curbs	\$360	\$360

Resolution 188-15 Award Contract – DPW Uniforms

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for uniform rentals for the Department of Public Works; and

WHEREAS, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

WHEREAS, the Borough Administrator and the Superintendent of Public Works recommends this award; and

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

1. UniFirst, 54 S. Jefferson Road, Whippany, NJ 0799 is hereby awarded a two (2) year contract in the amount of \$84.81 per week.
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

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