

**MEETING OF THE MAYOR AND COUNCIL**  
**AUGUST 4, 2015**  
**7:30 P.M.**

A regular meeting of the Mayor and Council was held on August 4, 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 via phone (7:50 P.M.), Councilperson Lambrix, Councilperson Ramsey (7:35 P.M.), Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Council President Kelly was absent this evening.

**SUNSHINE LAW STATEMENT**

The Borough Clerk read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**OPEN TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilperson Cadicina, seconded by Councilperson Lambrix, all ayes.

Mr. Singh, 812 Linden Way, said that a sewer line is being installed on Pulis Avenue. He indicated that he would like to have the line extended to his street. Mayor explained that the Borough will only install sewers if requested by area residents who would have to pay through a special assessment. The neighborhood will be polled to see if there are enough people who want the sewers.

Mr. Hart explained that initially the Borough Engineer would determine an appropriate area for sewers. When that area is defined, a letter is sent to residents asking if they are interested in having sewers installed in their area. If there is adequate interest, a meeting would be held with the residents and the Borough Engineer. The Borough Engineer would then give details on the process and the cost estimate. Mr. Hart said that they haven't considered sewers on Linden Way at this time.

Michelle Scher, 822 Linden Way, said that she would also be in favor of sewer lines. Councilperson Lambrix said it was his understanding that the Borough would only support sewers if 70% of the residents were in favor of the installation and had signed a petition. Mr. Hart reiterated his earlier explanation stating that the Borough Engineer will do an assessment relative to the possibility of sewers and follow up with a letter to the residents detailing their findings before the end of the month.

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

**APPOINTMENTS**

- **School Crossing Guard – Louis Fabrizzi**

Councilperson Ramsey made a motion to appoint Louis Fabrizzi as a School Crossing Guard, seconded by Councilperson Swist.

Roll Call Vote

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

**BOROUGH ENGINEER’S REPORT**

Eileen Boland, of Boswell Engineering, introduced herself. Ms. Boland said that Councilperson Ramsey told her of a resident on Cherokee Lane who was complaining relative to the fact that they didn’t know the date when their road was being paved. Ms. Boland explained that a notice is sent to resident’s weeks ahead giving an estimated date when their road will be closed and signs are posted the day before the closing. Ms. Boland stated that they will make it clear in the notice that “no parking” signs must be posted the day before the paving. She noted that the contractors are coordinating with the police relative to road closures. Mr. Hart said that current information should be posted on the Borough website.

Ms. Boland said that night paving will begin on August 20<sup>th</sup> on Route 208. The road will not be closed completely; however, the work may take as long as two months.

Ms. Boland stated that it was decided at the meeting regarding municipal sewers at the Borough Complex that Pulis Avenue will have to be closed. This means that a change order in the amount of \$25,000 will be needed to cover the cost of police traffic directors.

Mr. Hart stated that the intern has identified and ranked the twenty worst roads in the Borough. This document gives a clear understanding of the conditions of the roads and Mayor Bivona thanked the summer intern.

Mr. Butto, 792 Linden Way said that he wanted to speak in support of sewers on Linden Way. Mayor Bivona explained the process of bringing sewers into areas of the Borough.

**Resolution 219-15  
CONSENT AGENDA RESOLUTION**

**BE IT RESOLVED** that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Franklin Lakes. Full text of all consent agenda resolution can be found after the Adjournment.

- Resolution 220-15 Accept Report of the Finance Committee
- Resolution 221-15 Tax Bill Extension
- Resolution 222-15 Tax Refund – Cox
- Resolution 223-15 Tax Refund – Garrambone
- Resolution 224-15 Tax Refund – Granatell
- Resolution 225-15 Tax Refund – Mcauley
- Resolution 226-15 Tax Refund – Meli
- Resolution 227-15 Tax Refund – Pisani
- Resolution 228-15 Chapter 159 – Private Donations
- Resolution 229-15 Change Order – Sanitary Sewer Improvements

Resolution introduced by Councilperson Cadicina. Seconded by Councilperson Swist.

Roll Call Vote

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

**MAYOR’S REPORT**

Mayor Bivona reported that he sent a letter to the Department of Transportation (DOT) relative to noise on Route 287. He has done this previously and does not have an answer yet; however, he indicated he will keep trying. Councilperson Lambrix suggested expanding the area of the noise study from the area of Circle Avenue exclusively. The residents would prefer noise barriers but would be satisfied with asphalt paving to help to alleviate the problem.

Mayor Bivona reported that the State Department has informed the Bulgarian Embassy that they have until September 15<sup>th</sup> to clean up and/or occupy their property in Franklin Lakes. The other alternative is to market the property. Mayor Bivona stated that John Whittkind, the Construction Official, is responding to the various problems concerning property maintenance violations and construction site maintenance in the Borough.

**COMMITTEE/LIAISON REPORTS**

**PLANNING & DEVELOPMENT**

Councilperson Kahwaty said that there were interviews scheduled tomorrow relative to the three final candidates for the position of Planning Board Attorney.

- **Zoning of Block 2707, Lots 1 & 2 and Block 2607, Lots 1 & 3**
- **Illuminated Sign Ordinance**

Mayor Bivona stated that they continue to work on these items.

**PUBLIC SAFETY**

- **Sidewalk Snow Removal Ordinance**

Mr. Hart stated that there is an ordinance identifying sidewalks where snow removal is necessary. The Police are recommending a requirement that snow must be removed from all sidewalks within twenty-four hours of a snowfall. There was a lengthy discussion on this ordinance amendment and Mr. Hart said he could prepare a map for the next meeting highlighting areas that are currently regulated. This will be discussed again in September.

- **Fire Apparatus Purchase**

Fire Chief Ryan Dodd explained that the Fire Department is attempting to downsize the fleet by one apparatus. They are having a truck built to accommodate future needs and Chief Dodd recommends purchasing this apparatus through the Houston-Galveston Area Purchasing Cooperative (HGAC) which is a nationwide purchasing cooperative. The Borough would realize a savings of approximately \$25,000 compared to the price of the apparatus if they were to go out to public bid. Mr. Hart explained that national cooperative purchasing was not allowed in New Jersey until 2011 and specific cost savings must be demonstrated in order to go forward.

Councilperson Lambrix asked Chief Dodd if he was convinced that he couldn’t get a lower price for this specific equipment. Chief Dodd replied that the only way to buy this equipment is through this authorized dealer and they are getting a better price by going through the cooperative.

After a long discussion, the Council agreed to pass a resolution to join HGAC on August 18<sup>th</sup> at which time they may be in a position to award the contract. Mr. Smith will review pertinent correspondence as well as the contract. Mr. Hart said that the funds to cover this purchase will have to be appropriated at the September 1<sup>st</sup> meeting. Chief Dodd was encouraged to provide back up to assist with clarification for Councilmembers.

## **ADMINISTRATION AND FINANCE**

Councilperson Lambrix said that there is an arbitration mediation meeting with the PBA scheduled for August 20th.

- **Payments in Lieu of Medical Insurance**

Mr. Hart explained that Borough policy must conform to the State Statute which states that the Borough must pay 25% of the amount saved or \$5,000 whichever is less. The Borough policy did not mention the \$5,000 and must therefore be amended. This limitation would affect five employees and would go into effect in 2016.

- **Emergency Purchasing Procedures**

Mr. Hart stated that this is a State requirement and the Borough must have a policy in place to take advantage of the provisions in the regulations. This will be listed on the August 18<sup>th</sup> meeting and is fashioned after the Wyckoff policy.

- **Residents Survey**

Mr. Hart explained that he has developed some straight forward questions to get basic information from residents. He would like to get the survey out in early September and he asked Councilmembers for their input or additional questions they think should be included. Councilperson Lambrix reiterated that residents may anticipate or expect some type of follow up from the Borough. Mayor Bivona said it is important to include topics that are under the control of Borough departments. Councilperson Kahwaty suggested that they include a disclaimer stating that the purpose of the survey is for long term planning or something similar. It should also be noted that the results of the survey will not be binding on the Council.

Councilperson Cadicina was not in favor of the survey. He doesn't think it is beneficial and is too time consuming because the results have to be interpreted. Mayor Bivona feels the survey will be beneficial because it provides a sounding board for residents and is a good communications tool. The feedback will be useful and the results will be published. After further discussion, most Councilmembers indicated support of the survey. Mayor Bivona asked Councilmembers to give their comments to Mr. Hart who will then draft and finalize the survey.

## **PUBLIC WORKS**

Councilperson Swist had no report this evening.

Mr. Hart noted that at the August 18<sup>th</sup> meeting there will be an award of contract for two large recycling containers. Councilperson Swist said that she has been getting positive comments on the wonderful work being done by the DPW to help maintain the tree farm.

## **ENVIRONMENT AND COMMUNITY AFFAIRS**

Councilperson Swist reported that she and Craig Goldman will be chairing the Stigma Free Initiative. She will be attending the eight hour Mental Health First Aid Course presented by Bergen County on August 12<sup>th</sup>. Highlights of the course include how to raise awareness and to help people to get the assistance they require. Mayor Bivona was very supportive and commented that many drug issues are a result of mental health problems.

## **RECREATION AND PARKS**

Mayor Bivona stated that he attended the last meeting and noted that September 12<sup>th</sup> is Splash and Dash. Football registration has declined partly due to the declining population of children. He reported that Movies under the Stars went well although there was a low turnout. Mr. Hart stated that the renovations at the Recreation Center are on schedule.

### **BOROUGH ADMINISTRATOR'S REPORT**

Mr. Hart reported on the Active Shooter Training and he noted that some employees had questions and concerns relative to security at the Municipal Building. The Police Department will make recommendations on security improvements that could be implemented at Borough Hall and the Library. This could be a budget issue in 2016. Councilperson Ramsey suggested that the Police make a presentation to the Council about what to do if confronted by an active shooter. Mr. Hart will follow up on this request.

### **OLD BUSINESS**

There was no old business this evening.

Councilperson Ramsey said she has learned that the State Department of Transportation (DOT) should be contacted relative to the clean-up of garbage and overgrown plants and vines on the ramp to Ewing Avenue. Mayor Bivona indicated that he was not too optimistic that the State DOT would respond or do this work.

### **NEW BUSINESS**

Mr. Hart has received a retirement notice effective October 1<sup>st</sup>, from Don Osenbruck who is the Administrative Assistant to the Police Chief. They are working on a replacement plan and there is one internal person who may be interested.

Sally Bleeker, Borough Clerk, stated that on Sept. 8<sup>th</sup> there will be training for poll workers at Borough Hall. This service is being provided by the County and is in lieu of workers having to travel to Hackensack to get the training.

Mr. Hart stated that there is a vacancy at the Police Department. Councilperson Lambrix commented that the recruiting should be broad and diverse. Mayor Bivona agreed stating that he would strongly suggest hiring a woman or a minority police officer and he asked what was being done to make this happen. Mr. Hart said there is a limited pool because people have to pay their own way through the various programs. Councilperson Lambrix said that the Borough needs to advertise and Councilmembers Ramsey and Kahwaty need to stress to the Police Chief that the Council feels that diversity is of the utmost importance. Mayor Bivona said that the Police Chief must understand that this must be an open process. Mr. Hart said that the only way to get a larger pool of candidates is to advertise. Councilmembers were in agreement with this strategy and stated that they would be prepared to pay for a candidate to go through the Academy if necessary.

### **Tax Appeal – G.S. Realty Corp.**

Mr. Smith stated that this tax appeal has been settled for one year and will be revisited when a Certificate of Occupancy is issued.

### **Pending Litigation – Tax Appeal Settlement Medco**

This item was removed from the agenda.

### **ADJOURNMENT**

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

Roll Call Vote

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

**Resolution 220-15**

**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 \$4,221,525.40 as shown on the Claims Bill List; \$4,326.75 as shown on the Soil Account Bill List and \$1,405.00 as shown on the Developers Escrow List.

**BE IT FURTHER RESOLVED**, that the payroll of July 2, 2015 in the amount of \$204,332.66, the payroll of July 16, 2015 in the amount of \$205,587.86 and the payroll of July 30, 2015 in the amount of \$203,692.10 be hereby ratified and approved.

**Resolution 221-15**  
**Tax Bill Extension**

**WHEREAS**, tax bills are expected to be mailed on or about July 31, 2015; and,

**WHEREAS**, per N.J.S.A. 54:4-66, et seq., no interest is to be charged up to the 25<sup>th</sup> calendar day after the date the tax bill was mailed; and,

**WHEREAS**, the Mayor and Council wished to extend the grace period to the 25<sup>th</sup> calendar day after the date of the tax bill was mailed, which shall be August 25, 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 grace period for the payment of 3<sup>rd</sup> quarter taxes for 2015 be and is hereby extended to August 25, 2015.

**Resolution 222-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2010, on Block 2101.10 Lot 21 whose property location is 933 Cherokee Lane, homeowners Cox, Stephen,

**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	21	\$ 306,400 (2010)	
		\$3,817.74	

All checks made payable to:  
Cox, Stephen  
Skoloff & Wolfe, P.C.  
293 Eisenhower Parkway  
Livingston, NJ 07039

**Resolution 223-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2010, on Block 1207 Lot 7 whose property location is 380 Crescent Drive, homeowners Garrambone, Peter L. Jr. & Jane E.,

**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>
1207	7	\$ 83,200 (2010)	
	\$1,036.67		

All checks made payable to:  
Garrambone, Peter L. Jr., & Jane E.  
Skoloff & Wolfe, P.C.  
293 Eisenhower Parkway  
Livingston, NJ 07039

**Resolution 224-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2010, on Block 2602.11 Lot 5 whose property location is 859 Old Mill Road, homeowners Granatell, David J. & Lexie R.,

**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>
2602.11	5	\$ 236,700 (2010)	
	\$2,949.28		

All checks made payable to:  
Granatell, David J. & Lexie R.  
Skoloff & Wolfe, P.C.  
293 Eisenhower Parkway  
Livingston, NJ 07039

**Resolution 225-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2010, on Block 2101.02 Lot 7 whose property location is 253 Indian Trail Drive, homeowners Mcauley, Brian & Jane,

**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>
2101.02	7	\$ 325,300 (2010)	
	\$4,053.24		

All checks made payable to:  
Mcauley, Brian & Jane  
Skoloff & Wolfe, P.C.  
293 Eisenhower Parkway  
Livingston, NJ 07039

**Resolution 226-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2014, on Block 1314.04 Lot 4 whose property location is 720 Glendale Road, homeowners Meli, Frank J. & Lisa A.,

**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>
1314.04	4	\$ 74,800 (2010)	\$1,175.86

All checks made payable to:  
Meli, Frank J. & Lisa A.  
720 Glendale Road  
Franklin Lakes, NJ 07417

**Resolution 227-15**

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

**WHEREAS**, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2010, on Block 2205 Lot 3.06 whose property location is 401 Jay Court, homeowners Pisani, Michael & Betty Jean,

**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>
2205	3.06	\$ 209,300 (2010)	\$2,607.88

All checks made payable to:  
Pisani, Michael & Betty Jean

Skoloff & Wolfe, P.C.  
293 Eisenhower Parkway  
Livingston, NJ 07039

**Resolution 228-15**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Franklin Lakes has received a \$1,600.00, Private Donation and wishes to amend its 2015 Budget to include said amount as a revenue;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2015 Budget in the sum of \$1,600.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
Private Donations from Various Contributors	\$1,600.00
(see list below)	

**BE IT FURTHER RESOLVED** that a sum of \$1,600.00 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:	
Private Donations from Various Contributors	\$1,600.00

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Joseph Rosa Jr.	\$20.00
Kathleen A. Stylianou	\$435.00
Deborah Pellegrin	\$25.00
Jean K Del Grosso	\$40.00
Cuccio and Cuccio PC	\$200.00
Diane & Robert R. Agapito	\$70.00
Kathleen A. Stylianou	\$628.00
Robert L. & Maureen K. Polifroni	\$50.00
Jennifer V. Shultis	\$50.00
Vincenza Bruno & Ralph Bruno	\$41.00
Michael A & Nichole A Valente	<u>\$41.00</u>
	\$1,600.00

**Resolution 229-15**

**RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that Change Order #1 be approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

GENERAL CONSTRUCTION	Municipal Complex Sanitary Sewer Improvements
ENGINEER	Boswell McClave Engineering
CONTRACTOR	Underground Utilities Corp.

711 Commerce Road  
Linden, New Jersey

ORIGINAL CONTRACT COST	\$1,008,399.20
COST OF CHANGE ORDER	\$25,000.00
NEW CONTRACT SUM	\$1,033,399.20
CHANGE ORDER NUMBER	#1
NATURE OF CHANGES	Police Traffic Directors

Respectfully submitted,



Sally T. Bleeker, Borough Clerk