

MEETING OF THE MAYOR AND COUNCIL
August 18, 2015
7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, August 18, 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

APPOINTMENTS

Administrative Assistant to Police Department – Lynn VerHage

Motion made by Councilmember Ramsey and seconded by Councilmember Kahwaty to appoint Lynn VerHage as the Administrative Assistant to the Police Department.

Roll Call Vote:

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

PROCLAMATION

Supporting Drive Sober or Get Pulled Over 2015 Statewide Crackdown

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, be it resolved that the Mayor and Council of the Borough of Franklin Lakes declares its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Councilmember Kahwaty to take up Ordinance 1637 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1637

**SUPPLEMENTAL ORDINANCE AMENDING BOND
ORDINANCE 1617 PROVIDING FOR CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF
FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF
NEW JERSEY**

Summary – This ordinance would re-allocate funding for the Road Program so that the project is funded primarily from the Capital Improvement Fund.

WHEREAS, Ordinance 1637 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1637 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 Swist, seconded by Council President Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Motion made by Councilmember Lambrix to take up Ordinance 1638 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 1638

AN ORDINANCE AMENDING CHAPTER 425 “STREETS AND SIDEWALKS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REQUIRE FULL WIDTH PAVING WHEN RECENTLY PAVED ROADS ARE EXCAVATED

Summary – This ordinance would require full width paving when recently paved roads are excavated.

WHEREAS, Ordinance 1638 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1638 be and the same is hereby adopted on second and final reading; and,

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

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

No one from the public came forward at this time.

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

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Motion made by Councilmember Swist to take up Ordinance 1639 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1639

AN ORDINANCE AMENDING CHAPTER 408 “SOLAR ENERGY SYSTEMS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROVIDE FOR REVIEW OF APPLICATIONS BY THE CONSTRUCTION OFFICIAL

Summary – This ordinance would provide the Construction Official with authority to approve solar energy system installations and allow installations on accessory buildings.

WHEREAS, Ordinance 1639 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1639 be and the same is hereby adopted on second and final reading; and,

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

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

No one from the public came forward at this time.

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

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.

Motion made by Councilmember Kahwaty to take up Ordinance 1640 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1640

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 without permission and would prohibit discharging water directly into streets if it causes ponding or icing

WHEREAS, Ordinance 1640 was introduced at a meeting of the Mayor and Council held on the 16th day of June, 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 1640 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 Swist, seconded by Council President Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Motion made by Councilmember Kahwaty to take up Ordinance 1641 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1641

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

Summary – This ordinance would permit paddleboards on the lake at the Franklin Lakes Nature Preserve.

WHEREAS, Ordinance 1641 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1641 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 Swist, seconded by Council President Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1642 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1642

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PREPARATION OF DIGITAL TAX MAPS, AND APPROPRIATING \$40,000.00 FOR SAID SERVICES AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY

Summary – This ordinance would appropriate \$40,000 for preparation of digital tax maps. This is the third year of a four year program.

WHEREAS, Ordinance 1642 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1642 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 Ramsey, seconded by Council President Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent: Cadicina

Motion Approved.

Motion made by Councilmember Ramsey to take up Ordinance 1643 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1643

AN ORDINANCE SUPPLEMENTING THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO APPROVE THE DRUG FREE SCHOOL ZONE MAP

Summary – This ordinance would approve the Drug Free School Zone map in accordance with the State statute establishing enhanced penalties for certain drug offenses on or within 1,000 feet of school property.

WHEREAS, Ordinance 1643 was introduced at a meeting of the Mayor and Council held on the 21st day of July, 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 1643 be and the same is hereby adopted on second and final reading; and,

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

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

No one from the public came forward at this time.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. 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 Council President Kelly. On voice vote, all in favor.

Len Sanders, 235 Oldwoods Road. Mr. Sanders came forward and read a statement that he prepared to the Mayor and Council. For the past ten years his neighbor behind him uses a gas powered lawn mower and a gas powered weedwacker and he feels the noise is excessive and pollutes the air. Last Saturday there was 3 hours of noise. Mr. Sanders tried to talk to his neighbor on two occasions. The last occasion his neighbor used offensive language during their interaction. Mr. Sanders called the Police to report the incident. The Police said there is nothing they could do. He believed the current language in the noise ordinance would help him. Officer Lyons said the ordinance could not be enforced because of its vagueness. He is asking the noise ordinance to be amended. He is requesting that the Council prohibit the use of gas powered equipment on Saturday and Sunday between 1 p.m. and 8 p.m. Mayor Bivona said they will reconsider the noise ordinance and see what makes sense. Councilmember Lambrix said he will look at the ambiguous language in the ordinance to tighten it up; he will get help from the police. Councilmember Kahwaty asked Mr. Sanders if noise or odor was the issue. Mr. Sanders said it is both.

Laurie Burnette, 860 Woodfield Road. She would like the Mayor and Council to revisit the fees that are waived for the volunteers that live in town, specifically a soil test fee.

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

CONSENT RESOLUTION 230-15

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

- Resolution 231-15 Accept Report of the Finance Committee
- Resolution 232-15 Amend Personnel Policy – Payments in Lieu of Medical Benefits
- Resolution 233-15 Authorization to Join Houston-Galveston Area Council
- Resolution 234-15 Authorize Grant Agreement – Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund
- Resolution 235-15 Award Contract – Concussion Testing
- Resolution 236-15 Award Contract – Fire Department AED's
- Resolution 237-15 Emergency Purchasing Procedures
- Resolution 238-15 Facilities Use Permit – Wyckoff Family YMCA
- Resolution 239-15 Tax Appeal – G.S. Realty
- Resolution 240-15 Tax Refund – Divak
- Resolution 241-15 Award Contract – Ambulance Corps
- Resolution 242-15 Capital Budget Amendment

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

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 Council President Kelly:

- July 7, 2015 Work Session
- July 21, 2015 Closed
- July 21, 2015 Regular Meeting

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix (with exceptions), Ramsey, Swist
Nays:
Abstain: Lambrix – July 21, 2015 Closed and July 21, 2015 Regular Meeting
Absent: Cadicina
Motion Approved.

OLD BUSINESS

Animal Carcass Dumpster

Councilmember Lambrix asked where the animal carcass dumpster will be relocated. Borough Administrator, Greg Hart, said it will be located at the leaf compost.

Fire Sirens

Councilmember Lambrix inquired about the use of Fire Sirens. Borough Administrator, Greg Hart, said the Fire Chief distributed information to the Mayor and Council just last year. The issue will be discussed again at the September Work Session meeting.

NEW BUSINESS

Hiring Dispatcher

Borough Administrator would like to replace the full-time dispatcher position. It was suggested that the Borough hire a part-time person. Mr. Hart discussed the advantages and disadvantages of hiring a part-time person.

Police Chief Pezzuti recommends that a full-time person be hired for better operation of the department. The Police Committee recommends hiring a full-time person as well. The Borough will advertise for the position tomorrow.

Extension of Boat Rental at Nature Preserve

Borough Administrator recommends extending the boat rentals on the Franklin Lakes Nature Preserve to the end of September.

Motion to extend boat rentals on the Franklin Lakes Nature Preserve until the end of September 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.

Field Use Permit – Ambulance Corps Softball

The Borough Administrator advised that there is a facilities use request from the Franklin Lakes Volunteer Ambulance Corp softball team. The request has been recommended for approval by the Recreation Director. A resolution will be on the Consent Agenda at the September 1, 2015 Work Session.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1644 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 1644

A BOND ORDINANCE AUTHORIZING THE ACQUISITION OF FIRE APPARATUS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF \$1,340,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,273,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

WHEREAS, Ordinance 1644 was introduced at a meeting of the Mayor and Council held on the 18th day of August 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 1644 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 1st day of September 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 1644; 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.

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, August 18, 2015 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Police Officer
- Pending Litigation – Medco Tax Appeal and Possible Real Estate Acquisition from Express Scripts
- Collective Bargaining – AFSCME

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 to go into Closed Session was made by Councilmember Kahwaty, seconded by Councilmember Ramsey. On voice vote, all in favor.

Council returned from Closed Session at 9:15 PM.

RESOLUTION

Resolution 243-15

Conditional Offer of Employment – Brandon McNeil

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes, offer a conditional offer of employment to Brandon McNeil subject to the conditions expressed by the Chief of Police in Closed Session.

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.

PRESS RELEASE

Express Scripts Donates Property to Borough

Mayor Bivona advised that there will be a press release tomorrow regarding Express Scripts remaining in Franklin Lakes and donating 84 acres to the Borough as parkland.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Kahwaty at 9:25 P.M., seconded by Council President Kelly. On voice vote, all in favor.

Resolution 231-15 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 \$2,909,972.08 as shown on the Claims Bill List; \$2,722.00 as shown on the Soil Account Bill List and \$365.00 as shown on the Developers Escrow List.

Resolution 232-15 Amend Personnel Policy – Payments in Lieu of Medical Benefits

WHEREAS, the Borough's policy on payments in lieu of health insurance must be amended to be consistent with the enabling statute, which limits such payments to 25% of the amount saved by the Borough, or \$5,000, whichever is less (see N.J.S.A. 40A:10-17.1 attached); and,

WHEREAS, because employees in 2015 waived coverage based on the current policy, which does not contain this \$5,000 limitation, this change should be effective in 2016;

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 fifth paragraph of paragraph 44 “Health Insurance Policy” of the as follows:

Borough employees that are entitled to health insurance may opt to decline health insurance and receive monthly payments in lieu of health insurance. The payments shall be in the amount of 25% of the premium that the Borough is paying or would pay for the employee’s health insurance, or \$5,000, whichever is less. The \$5,000 limitation shall be effective January 1, 2016. Payments would be made on a schedule to be determined by the Borough. To be eligible, the employee must submit a written request to the Borough Administrator on a form provided by the Borough Administrator and provide proof of other group insurance coverage. This proof of coverage must be an official document verifying that the employee is insured under a group health insurance plan. A copy of an insurance identification card is not sufficient. Employees will not be permitted to re-enroll for health insurance coverage until either the “open enrollment” period for health insurance or a qualifying event as set forth in the Borough’s Section 125 plan.

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

Resolution 233-15 Authorization to Join Houston-Galveston Area Council

WHEREAS, the Borough of Franklin Lakes is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use alternative procurement methods by entering into nationally recognized cooperative agreement; and;

WHEREAS, Houston-Galveston Area Council is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and,

WHEREAS, Houston-Galveston Area Council is authorized to contract with eligible entities for the purchase of goods and services; and,

WHEREAS, Houston-Galveston Area Council has instituted a cooperative purchasing program under which it contracts with eligible entities; and,

WHEREAS, the Borough of Franklin Lakes desires to contract with Houston-Galveston Area Council;

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 to execute complete any necessary paperwork required to enter into an inter-local agreement the Houston-Galveston Area Council; and,

BE IT FURTHER RESOLVED that the initial period of the agreement shall be for the balance of 2015;

BE IT FURTHER RESOLVED that the purchase of any product will be in accordance with procedures established by the Houston-Galveston Area Council and in accordance with the Laws of the State of New Jersey; and,

BE IT FINALLY RESOLVED that a copy of this resolution be provided to Houston-Galveston Area Council and the Fire Chief.

Resolution 234-15 Authorize Grant Agreement – Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund

BE IT RESOLVED, that the Mayor and Council of Borough of Franklin Lakes wish to enter into a Bergen County Trust Fund project Contract (“Contract”) with the County of Bergen for the purpose of using a \$14,906.00 matching grant award from the 2014 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic

Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled “Outdoor Fitness Equipment Project” located at Municipal Field on DeKorte Drive, Block 2547.01, Lot 3 on the tax maps of the Borough of Franklin Lakes;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Gregory C. Hart to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about July 15, 2017; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

Resolution 235-15 Award Contract – Concussion Testing

WHEREAS, the Borough of Franklin Lakes has a need to acquire IMPACT testing (concussion testing) as a professional service pursuant to the provisions of N.J.S.A. 40A:11-5, and,

WHEREAS, this agreement shall commence on or about July 13, 2015 and shall continue in effect until September 30, 2015; and,

WHEREAS, the cost of these services shall not exceed \$17,500 and therefore “Pay to Play” requirements do not apply; and,

WHEREAS, New Jersey Pediatric Neuroscience Institute (NJPNI) 131 Madison Avenue, Suite 140 Morristown, New Jersey 07960 has submitted a proposal indicating they will provide concussion testing for \$20 per test, for a total estimated amount of \$4,600, and,

WHEREAS, 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; and,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes authorizes the Borough Administrator to enter into a contract with New Jersey Pediatric Neuroscience Institute for concussion testing for \$20 per test, for a total estimated amount of \$4,600; and,

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within 10 days after passage hereof.

Resolution 236-15 Award Contract – Fire Department AED’s

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for five (5) Cardiac Science G5 AED’s for the Franklin Lakes Volunteer Fire Department; and

WHEREAS, on the recommendation of the Fire Chief the Mayor and Council wish to award the contract to the vendor that submitted the proposal that includes all the devices required to fill the needs of the Department; and

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

1. Team Life, Inc. 291 Route 34, Suite B, Colts Neck, NJ 07722 is hereby awarded a contract in the amount of \$8,345.00

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 237-15 Emergency Purchasing Procedures

WHEREAS, section N.J.S.A. 40A:11-6 of the Local Public Contracts Law permits local contracting units to use emergency purchasing procedures, and pursuant to corresponding Local Public Contracts Law rules adopted by the State's Division of Local Government Services on December 4, 2000, the governing body of each contracting unit shall adopt rules to ensure that there are written procedures for determining and confirming the existence of an emergency; and

WHEREAS, according to N.J.A.C. 5:34-6.1(b) such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a clear chain of command to ensure that there are always appropriate individuals to make such decisions; and

WHEREAS, when an emergency arises requiring certain purchases to be made pursuant to emergency purchasing procedures, the Mayor and Council of the Borough of Franklin Lakes has determined that the following procedures shall apply.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, Bergen County, State of New Jersey that the following is adopted as the emergency purchasing policy for the Borough of Franklin Lakes.

A. POLICY GOVERNING EMERGENCY PURCHASING PROCEDURES

1. Contracts, including purchase orders, shall be entered into, and funds committed or expended for an emergency pursuant to N.J.S.A. 40A:11-6 and corresponding Rules, N.J.A.C. 5:34-6.1, subject to the following requirements:
 - a. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service(s);
 - b. The emergency must directly affect the public health, safety or welfare, and requires the immediate delivery of goods or the performance of service(s);
 - c. Emergency purchasing shall not be used for administrative convenience or for failure to plan. Sound business practices shall be used when an emergency purchase must be made;
 - d. The emergency purchasing procedure may not be used unless the need for the goods or performance of the service(s) could not have been reasonably foreseen or the needs for such goods or service(s) has arisen notwithstanding a good faith effort on the part of the Borough of Franklin Lakes to plan for the purchase of any required goods or service(s);
 - e. The contract shall be of such limited duration as to meet only the immediate needs of the emergency declared;
 - f. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract;
 - g. Any emergency condition(s) in which the estimated cost is in excess of fifty thousand dollars (\$50,000.00) shall be approved by the Mayor and Council.

B. PROCEDURE FOR THE DECLARATION OF AN EMERGENCY

- a. A department head, or in their absence his/her designee, as soon as reasonably

possible, shall notify the Borough Administrator of the need for awarding of a contract or purchase order, the nature of the emergency, the time of its occurrence and the need for invoking the emergency provision of the law;

- b. If the Borough Administrator is satisfied that an emergency exists, he/she shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs;
- c. Within 48 hours of an emergency occurrence, the department head, or in their absence his/her designee, shall submit to the Borough Administrator a written report (Certification of Request for Emergency Purchases) providing the information referenced above;
- d. In the Borough Administrator's absence, the chain of command for adherence to the requirements if 1, 2 and 3 shall be:
 1. Chief Financial Officer/Assistant Administrator
 2. Chief of Police
 3. Borough Engineer
 4. Borough Clerk
 5. Borough Attorney

Resolution 238-15 Facilities Use Permit – Wyckoff Family YMCA

WHEREAS, the Wyckoff Family YMCA 691 Wyckoff Avenue, Wyckoff, NJ 07481 has requested the use of the Franklin Lakes Community Center –Vichiconti Way Field for its Scenic Half Marathon & Scenic 5K September 27, 2015; and

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that Wyckoff Family YMCA is hereby granted permission to use Borough facilities, for its Scenic Half Marathon & Scenic 5K September 27, 2015 subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Wyckoff Family YMCA and the Recreation and Parks Director.

Resolution 239-15 Tax Appeal – G.S. Realty
Block: 1411
Lot: 2
Street Address: 556 Colonial Road
Owner: G.S. Realty Corp.

WHEREAS, an appeal of the tax assessment for the year 2012 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 these adjustments/this adjustment.

Tax Year: 2012

Original
Assessment

Tax Court
Judgment

Land	\$7,480,000	\$6,500,000
Improvements	\$	\$
Total	\$7,480,000	\$6,500,000

Resolution 240-15 Tax Refund – Divak

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 2015, on Block 1207 Lot 1.03 whose property location is 809 Lenel Lane, homeowner Divak, Elaine,

WHEREAS, the property was sold on June 15, 2015 and therefore Divak, Elaine is getting a pro-rated refund of \$2,840.51, and the new homeowner will be credited for the 4Q 2015 taxes in the amount of \$3,405.19,

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	1.03	\$ 390,600 (2015 – pro-rated)	\$ 2,840.51
Total Refund			<u>\$ 2,840.51</u>

All checks made payable to:
 Elaine Divak
 134 Perrin Avenue
 Pompton Lakes, NJ 07442

Resolution 241-15 Award Contract – Ambulance Corps

WHEREAS, the Franklin Lakes Ambulance Corps solicited proposals for the purchase of 10 Cardiac Science G5 AED’s for the Ambulance Corps; and,

WHEREAS, three proposals have been submitted and the Captain of the Ambulance Corps recommends that the contract be awarded to the contractor that submitted the lowest proposal, Team Life, Inc. 291 Route 34, Suite B Colts Neck, NJ 07722, for the proposal amount of \$16,090.00;

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 contract for the purchase of 10 Cardiac Science G5 AED’s for the Ambulance Corps is hereby awarded to Team Life, Inc. 291 Route 34, Suite B Colts Neck, NJ 07722 for the proposal amount of \$16,090.00; and,

BE IT FURTHER RESOLVED that 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; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Team Life, Inc. and the Captain of the Ambulance Corps.

Resolution 242-15 Capital Budget Amendment

- See Attached Resolution

Respectfully submitted,

Sally T. Bleeker

Sally T. Bleeker, Borough Clerk

**BOROUGH OF FRANKLIN LAKES
CAPITAL BUDGET AMENDMENT**

Resolution 242-15

Whereas, the local capital budget for the year 2015 was adopted on the 21st day of April, 2015; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore Be It Resolved, by the Governing Body of the Borough of Franklin Lakes, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2015 Budget be made:

	(Kahwaty	((
	(Kelly	(ABSTAIN	(
RECORDED VOTE	AYES	(Lambrix	NAYS	(
(Insert last names)	(Ramsey	(ABSENT	(
	(Swist	(Cadicina

FROM
CAPITAL BUDGET (Current Year Action)
2015

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2015					6 TO BE FUNDED IN FUTURE YEARS
				5a 2015 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Fire Truck		\$ 1,380,000			\$ -			\$ 1,380,000	
					-			-	
GRAND TOTALS		\$ 1,380,000			\$ -			\$ 1,380,000	

6 YEAR CAPITAL PROGRAM 2015-2020
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR						
				2015	2016	2017	2018	2019	2020	
Fire Truck		\$ 1,380,000		\$ 1,380,000						
TOTALS ALL PROJECTS		\$ 1,380,000		\$ 1,380,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

6 YEAR CAPITAL PROGRAM 2015-2020
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds	7 BONDS AND NOTES			
		Current 2014	Future Years				General	Self Liquidating	Assessment	School
Fire Truck	\$ 1,380,000			\$ -			\$ 1,380,000			
TOTAL ALL PROJECTS	\$ 1,380,000			\$ -			\$ 1,380,000			

TO
CAPITAL BUDGET (Current Year Action)
2015

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2015 Budget Appropriations	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2015				
					5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	6 To Be Funded in Future Years
Acquisition of Fire Apparatus		\$ 1,340,000				\$ 67,000		\$ 1,273,000	
TOTALS ALL PROJECTS		\$ 1,340,000			\$ -	\$ 67,000		\$ 1,273,000	\$ -

6 YEAR CAPITAL PROGRAM 2015-2020
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR						
				2015	2016	2017	2018	2019	2020	
Acquisition of Fire Apparatus		\$ 1,340,000		\$ 1,340,000						
TOTALS ALL PROJECTS		\$ 1,340,000		\$ 1,340,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

6 YEAR CAPITAL PROGRAM 2015-2020
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid and Other Funds	7 BONDS AND NOTES				
		Current 2015	Future Years				General	Self Liquidating	Assessment	School	
Acquisition of Fire Apparatus	\$ 1,340,000				\$ 67,000		\$ 1,273,000				
TOTALS ALL PROJECTS	\$ 1,340,000			\$ -	\$ 67,000		\$ 1,273,000				

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 18th day of August, 2015

Certified by me

8-20-2015

(DATE)

ATTEST:

Sally T. Bleeker
BOROUGH CLERK

APPROVED:

[Signature]
MAYOR