

MEETING OF THE MAYOR AND COUNCIL
September 17, 2015
7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, September 17, 2015 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Councilmember Cadicina, Councilmember Kahwaty, Council President Kelly, Councilmember Lambrix, Councilmember Ramsey and Councilmember Swist. Also present were Borough Administrator Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Brandon McNeil – Franklin Lakes Police Officer

Motion made by Councilmember Kahwaty and seconded by Councilmember Ramsey to appoint Brandon McNeil as a Police Officer to the Franklin Lakes Police Department.

Roll Call Vote:

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

Anthony Guerriero – Franklin Lakes Volunteer Firefighter

Michael Jost, Jr. – Franklin Lakes Volunteer Firefighter

Motion made by Councilmember Ramsey and seconded by Council President Kelly to appoint Anthony Guerriero and Michael Jost, Jr. as members of the Franklin Lakes Volunteer Fire Department.

Roll Call Vote:

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

PROCLAMATIONS

Honoring Steve DiFlora

WHEREAS, in August 2015, Steven J. DiFlora, P.E., tendered his resignation from the Franklin Lakes Zoning Board of Adjustment, where he has served for the past 20 years as Chairman and member, as he will be moving out of Franklin Lakes; and,

WHEREAS, Steve moved to Franklin Lakes in 1987, and raised his two children, Michael and Amanda, in the Franklin Lakes community; and,

WHEREAS, shortly after moving to Franklin Lakes, Steve was appointed to the Board of Health, serving as a member and then as Chairman for seven years, from 1990 to 1996; and,

WHEREAS, in February 1995, Steve was appointed to the Zoning Board of Adjustment and served on the Board until his August resignation; and,

WHEREAS, Steve was also active in the community including serving as a Recreation baseball coach, as a volunteer instructor in the Ramapo High School University Program for Pre-Engineering students, and as a member of the Borough's Affordable Housing Committee; and,

WHEREAS, Steve is known to fellow Board members and applicants as a straight-talking, tough, fair, and hard-working Chairman;

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, hereby honor and commend Steven J. DiFlora, P.E. for his many years of outstanding service to the residents of Franklin Lakes.

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 17th day of September, 2015.

Honoring Donald Osenbruck

WHEREAS, Donald Osenbruck is retiring as Administrative Assistant to the Franklin Lakes Police Department on September 30, 2015; and,

WHEREAS, Don served dutifully and with distinction with the Police Department, first as a patrol officer, and then Sergeant and Lieutenant, retiring on May 31, 2011 as a member of the Department, and then as Administrative Assistant to the Police Department from August 8, 2011 until his September 30 retirement, with total service of over 36 years; and,

WHEREAS, during his career with the Police Department, Don acted in a number of capacities, including the following:

- Traffic Bureau
- Radar Instructor
- Deputy Emergency Management Coordinator

WHEREAS, during his career, Don was the recipient of commendations, proclamations, citations and awards from the Mayor and Council and PBA Local 150, for his exemplary work; and,

WHEREAS, Don is known to all as a patient, thoughtful, dedicated and loyal police officer and person;

NOW THEREFORE, I, FRANK BIVONA, Mayor of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, on behalf of the Mayor and Council and our residents, wish Donald Osenbruck and his family good health and happiness, and do hereby honor and commend Don for his many years of outstanding service to the Franklin Lakes community.

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 17th day of September, 2015.

PUBLIC HEARING

Bergen County Open Space Application

At this time, Borough Administrator, Greg Hart, explained the Bergen County Open Space application.

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

OPEN THE TIME FOR PUBLIC COMMENT

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

Tarek Saheli, 769 Oneida Way. Mr. Saheli came forward regarding outsourcing dispatch in the Police Department. Mayor Bivona said there has been no decision. They have been studying this for the past few years. He explained that Bergen County has a dispatch center right on Campgaw Road in Mahwah. The study is two-fold in regards to the quality of the service and a financial analysis. Mayor said we are still in the study phase.

Mr. Hart added that the Borough's Technical Committee has had two recent meetings with the County representatives and also internally. The Committee will report their findings in the next couple of months. Mayor Bivona added that Police, Fire Department and Office of Emergency Management are all included in the discussion.

Mr. Saheli has a financial back ground and understands mergers and acquisitions and that outsourcing may be cheaper, but is concerned when it comes to public safety that it might be better to put more funding into the dispatch. He just wants the Mayor and Council to focus on putting public safety first. He likes that you can go to the Police Department and the doors are open. Mayor Bivona said that the Police Department will be open during normal hours. Further discussion ensued in regards to County taxes and shared services within the County.

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

CONSENT RESOLUTION 255-15

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 256-15	Accept Report of the Finance Committee
Resolution 257-15	Approve Employee Recognition Policy
Resolution 258-15	Bergen County Open Space Application
Resolution 259-15	CAC DOT Authorizing Resolution
Resolution 260-15	Facilities Use Permit – Market Basket
Resolution 261-15	Grant Application – Old Mill Road (Section 4) and SAGE
Resolution 262-15	Grant Application – Huron Road (Section 3) and SAGE
Resolution 263-15	Liquor License Transfer
Resolution 264-15	Stipulation of Settlement – Rozdeba
Resolution 265-15	Update Environmental Resource Inventory

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

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Kahwaty and seconded by Council President Kelly:

- August 4, 2015 Work Session
- August 18, 2015 Regular Meeting
- August 18, 2015 Closed

Roll Call Vote:

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

Nays:

Abstain: Cadicina – August 18, 2015 Regular and Closed; Kahwaty – August 4, 2015 Work Session; Kelly – August 18, 2015 Regular and Closed

Absent:

Motion Approved.

OLD BUSINESS

Councilmember Lambrix inquired about 355 Freemans Lane saying that September 15th was the deadline. Borough Administrator Hart is following up with the Department of the State.

Mr. Hart reminded the Mayor and Council of the Special Meeting with the Planning Board on Monday, September 21st. Borough Attorney Smith will not be present. Further discussion ensued in regards to the time of the meeting and the follow-up meeting Wednesday, October 7th.

Mayor Bivona thanked everyone for participating in the September 11th ceremony. He also reported the kid's biathlon was a success and that the grand opening of the Community Center is an all day event.

NEW BUSINESS

Councilmember Lambrix advised that the Nature Conservancy inquired about creating parking by the High Mountain trail. Mayor Bivona said there is on street parking and unrestricted parking at the trail head. There were many questions regarding where the parking would be. Councilmember Lambrix will investigate who owns the property.

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 Thursday, September 17, 2015 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Collective Bargaining – PBA
- Contractual – Affordable Housing
- Personnel – Dispatcher

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 Council President Kelly. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Kahwaty at 8:35 P.M., seconded by Council President Kelly. On voice vote, all in favor.

Resolution 256-15 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 \$1,345,039.58 as shown on the Claims Bill List; \$0.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 257-15 Approve Employee Recognition Policy

WHEREAS, the Borough Administrator has proposed an Employee Recognition Program for 2015 dated June 15, 2015 which is incorporated by reference herein;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey hereby approve the Employee Recognition Program for 2015 dated June 15, 2015.

Resolution 258-15 Bergen County Open Space Application

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Franklin Lakes desires to further the public interest by obtaining a matching grant of \$23,485.00 from the County Trust Fund to fund the following project: Old Mill Woodlands Park Improvements; and,

WHEREAS, the Mayor and Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the Mayor and Council have received public comments on the proposed park improvements in the application on September 17, 2015; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date;

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 Borough Administrator is hereby authorized to submit the above completed project application to the County by the deadline of September 3, 2015, as established by the County; and,

BE IT FURTHER RESOLVED that, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Franklin Lakes has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes is committed to providing a dollar for dollar cash match for the project; and,

BE IT FURTHER RESOLVED that only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

Resolution 259-15 CAC DOT Authorizing Resolution

BE IT RESOLVED by the Mayor and Council of the municipality of FRANKLIN LAKES that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

- (1) **Huron Avenue Rehab, Sec. 3-Municipal Aid program**
- &**
- (2) **Old Mill Road Resurfacing & Safety Improvements-LAIF program**

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of FRANKLIN LAKES for the stated project(s).

Resolution 260-15 Facilities Use Permit – Market Basket

WHEREAS, the Market Basket has requested the use of Borough facilities (McBride Field), for its Oktoberfest to be held on October 15, 16 and October 17, 2015;

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Market Basket is hereby granted permission to use Borough facilities, for its Oktoberfest on October 15, 16 and October 17, 2015, subject to compliance with all other Borough ordinances and requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Market Basket and the Recreation and Parks Director.

Resolution 261-15 Grant Application – Old Mill Road (Section 4) and SAGE

WHEREAS, the Franklin Lakes Borough is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Franklin Lakes Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2016-Old Mill Road (Section 4) Resurfacing and Safety Improvements-00021 for Franklin Lakes Borough to the New Jersey Department of Transportation on behalf of the Franklin Lakes Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Franklin Lakes Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 262-15 Grant Application – Huron Road (Section 3) and SAGE

WHEREAS, the Franklin Lakes Borough is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Franklin Lakes Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Huron Road (Section 3) Resurfacing and Safety Improvements-00045 to the New Jersey Department of Transportation on behalf of the Franklin Lakes Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Franklin Lakes Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 263-15 Liquor License Transfer

WHEREAS, an application has been filed for a person to person and place to place transfer of Plenary Retail Consumption License 0220-33-006-001, heretofore issued to the Mountain Club, Inc. for premises located at 845 Ewing Avenue, Franklin Lakes, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes does hereby approve, effective September 17, 2015 the transfer of the aforesaid Plenary Retail Consumption License to Urban Farms Liquors, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Urban Farms Liquors, LLC, effective September 17, 2015.”

Resolution 264-15 Stipulation of Settlement – Rozdeba

Block: 1106.06
Lot: 5
Street Address: 10 Shinnecock Trail
Owner: Rozdeba, Joseph & Christopha

WHEREAS, an appeal of the tax assessment for the years 2010, 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/these adjustments 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/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:	2010	
	Original	Tax Court
	Assessment	Judgment
Land	\$1,005,600	\$1,005,600
Improvements	\$2,642,500	\$1,994,400
Total	\$3,648,100	\$3,000,000

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 704,200	\$ 704,200
Improvements	\$2,235,900	\$2,045,800
Total	\$2,940,100	\$2,750,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 704,200	\$ 704,200
Improvements	\$2,235,900	\$1,995,800
Total	\$2,940,100	\$2,700,000

Tax Year: 2014

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 704,200	\$ 704,200
Improvements	\$2,235,900	\$1,995,800
Total	\$2,940,100	\$2,700,000

Tax Year: 2015

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 704,200	\$ 704,200
Improvements	\$2,235,900	\$1,995,800
Total	\$2,940,100	\$2,700,000

Resolution 265-15 Update Environmental Resource Inventory

WHEREAS, the Franklin Lakes Environmental Commission is recommending to the Mayor and Council that the Borough update the Borough’s Environmental Resource Inventory, which was approved in August 2009, within 10 years of its original approval, so that the Borough may continue to receive Sustainable Jersey “points” in accordance with the Sustainable Jersey re-certification process;

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 Environmental Commission be and is hereby approved, and that the Mayor and Council hereby state its intention to update the Borough’s Environmental Resource Inventory within 10 years of its August 2009 approval, subject to appropriation of sufficient funds; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Environmental Commission.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk