

**MEETING OF THE MAYOR AND COUNCIL  
JANUARY 5, 2016  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on January 5, 2016, 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, Councilperson Kelly, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Council President Lambrix was absent this evening.

**SUNSHINE LAW STATEMENT**

The Borough Clerk read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**APPOINTMENTS**

There were no appointments this evening.

**OPEN TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilperson Kelly, Councilperson Kahwaty seconded the motion.

No one from the public came forward. Motion to close the time for public comment was made by Councilperson Kelly, seconded by Councilperson Kahwaty.

**BOROUGH ENGINEER'S REPORT**

Kevin Boswell, of Boswell Engineering, came forward to review his report. He stated that they have sent a certified letter to the property owner at 562 Franklin Avenue asking that the shed on the drainage easement be removed to allow access to the storm manhole. Regarding restoration work concerning the sanitary sewer, Mr. Boswell said that final paving will be scheduled for the spring.

Mr. Boswell referred to King's Pond, and said that they will be meeting with the New Jersey Department of Environmental Protection (NJDEP) on January 8<sup>th</sup> at the site to discuss the application. NJDEP is not convinced that the entire pond needs to be dredged.

Mr. Boswell spoke about the Express Scripts Due Diligence review, and reported that the dam appears to be in good condition. Many of the check list items are being addressed. Mr. Smith stated that he expects a deed by next week in order to have the taxes reduced. The deed will be held in escrow by Express Scripts.

Mr. Boswell said that they were asked to look at the pond in the Shadow Lakes development. He performed an inspection today and concluded that the pond is shallow, but not being impeded in any way and there is no justification for the Borough to enter into a dredging permit with DEP.

Mr. Boswell reported on the Cherry Lane sewers. He said there is a deep sewer on DeKorte Drive and a ditch on the other side of the Ambulance Corps building. They

have to make sure that a sanitary sewer pipe can be run from the cul de sac either under the ditch through a manhole or under the ditch as it turns to a pipe under Borough Hall and the Library. The pipe must be 3 feet under the bottom of the ditch in order to be placed under a storm pipe. Mr. Boswell anticipates that the Borough will need an easement across one of the properties within the Cherry Lane cul de sac to get out to DeKorte Drive. He will have more information in a few days.

Mr. Boswell said he was at Van Houten Road today. He indicated that it needs some work, however, immediate attention is not required at this time. He continues to follow up with the Toll Brothers who have taken the road over from the Gallenkamps.

Mr. Boswell reported on a meeting to review the roads that will be included in the 2016 Road Improvement Program. Budget and timing for bids were also discussed. Mr. Boswell commented that one of the reasons the Borough is successful in getting good prices for the work is that they get the bids out at the end of February with the date for receipt being the end of March. He suggested this time line be followed again. He will have recommendations prepared for the next meeting and a bond ordinance will have to be introduced in accordance with those recommendations.

**Resolution 23-16  
CONSENT 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 24-16      Accept Report of Finance Committee  
Resolution 25-16      Award Contract – Clothing Bins

Resolution introduced by Councilperson Kahwaty.      Seconded by Councilperson Cadacina.

Roll Call Vote

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

**MAYOR'S REPORT**

Mayor Bivona distributed a draft of the Municipal Alliance effort which he has reviewed with Henry Wasserstein. The draft outlines initiatives for 2016 and what specifically needs to be done in order to execute the program. The draft mentions the importance of support by the Police Chief, reporting to be done by Mr. Hart, and budgeting. He said that \$40,000 will be required from the Borough, the Library, and both School Boards. The Borough's contribution will be through a part time hire and programing expenses. There is a \$10,000 budget for education, media, and miscellaneous items to raise awareness.

**COMMITTEE/LIAISON REPORTS**

**PUBLIC SAFETY**

- Municipal Alliance Grant Resolution

Mr. Hart stated that this resolution will be on the January 19<sup>th</sup> agenda.

## **ADMINISTRATION AND FINANCE**

Mr. Hart reported that the budget process has begun. Requests have been received by Department Heads, and they will be presented for review to the Budget Committee including Councilmembers Lambrix and Cadacina. He anticipates budget meetings to begin in several weeks which will be scheduled for early on weekday mornings.

## **PUBLIC WORKS**

Councilman Cadicina reported that there was a discussion on roads to be included in the 2016 Road Improvement Program. Mayor Bivona complimented the intern from Boswell Engineering who did an excellent job of inventorying, rating and detailing every road in the Borough. He said that every road should last an average of 20 years which means the Borough would have to pave three and a half miles of road every year to keep up. This is important in the budgeting process because they have to pave enough roads every year so that they are meeting the minimum qualifications of a good road program. All roads in the Borough will be assessed by Rich Lilenthal and Dan Lapinski of Boswell Engineering who will determine the ten worst roads. Mr. Hart pointed out that it is important to hold developers responsible for roads that are impacted as a result of construction. On the other hand, Mayor Bivona added that paving can't be held up because of construction or many roads would never be paved.

Mr. Hart stated that they may have a solution to deal with the beavers. This solution is in the \$15,000 range, rather than the \$100,000 range that had been mentioned at the last meeting. It involves a trash rack with pipes going through it that was designed by Mr. Boswell. Free flowing water that initially attracts the beavers will continue to run through the pipes, and Mayor Bivona said that more information will be forthcoming.

There was a discussion about litter, and Mayor Bivona said he is in favor of installing cameras on ramps from the highways to Franklin Lakes. This would help with the burglary problem as well as littering. Councilperson Kahwaty raised the issue of privacy. Mayor Bivona said that he thought it was allowable if signs advising of the presence of cameras are posted. He has asked the Police Chief to look into this and Mr. Hart commented that the easy on, easy off access to the ramps contributes to crime.

## **ENVIRONMENTAL AND COMMUNITY AFFAIRS**

There was no report this evening.

Councilperson Swist said that the Seniors are installing their new roster of officers tomorrow.

## **RECREATION AND PARKS**

Councilperson Kelly reported that they have been successful in getting coaches to fill the open slots on teams in the Borough; however, they are short of responsible referees. They decided to offer these positions to eighth grade members of the travelling teams. This seems to make the kids more responsible and they seem to have an interest in promoting fairness. New helmets featuring the latest technology have been purchased for football and lacrosse. The helmets are lined with progressive hardness and provide additional support.

Councilperson Kelly said that the installation of fitness equipment and platforms has been completed.

Councilperson Kelly stated that the Employee Wellness Program will be introduced in the spring. The impact test to detect concussions will be offered for athletes involved in every sport, and they have obtained another pitching machine.

Mayor Bivona said that he is pleased that all of the sports programs and the Recreation Department itself is being so well run and he thanked Jason Robinson and his staff.

Mayor Bivona announced that at the January 19<sup>th</sup> meeting, the sports program at Ramapo High School will be honored. The school had State Champions in five different areas.

## **PLANNING & DEVELOPMENT**

Councilperson Kahwaty reported that at the last Planning Board meeting a concept plan was presented by Mr. Gabrellian on the redevelopment of the downtown area. Mr. Gabrellian seemed to be receptive of the Borough's needs.

- Verizon Wireless

Mr. Hart asked that this be postponed to the next work session. He recalled that at the last meeting the Council asked for a report on the effect of any harmful radiation or radio frequency. This information has been provided, but they were looking for a more specific plan including an analysis of the need in Franklin Lakes. A representative of Verizon Wireless assured Mr. Hart that this information would be provided before the next work session in February.

Mayor Bivona said that Mr. Gabrellian will be coming before the Planning Board and the Mayor and Council due to a zoning change. The Planning Board has shared their ideas of what they are looking for and Mr. Hart said that Gabriellan will submit a concept plan that will enable the Borough to begin framing a new ordinance. Mr. Hart said that he expects to begin working on the ordinance in February because Gabrellian wants to begin work as soon as possible. The concerns raised after reviewing the conceptual plan were aesthetic such as landscaping, and signage which may require a variance. Mayor Bivona said that this seems to be a good plan consisting of two stories with medical offices on the top floor and shops on street level. The Borough has some leverage because a variance is needed, but as Councilperson Kahawaty pointed out there has to be a balance. Mayor Bivona said that this is a positive step because the entire area is going to be renovated and will become an asset to the Borough.

## **BOROUGH ADMINISTRATOR'S REPORT**

Mr. Hart asked anyone having a Borough issued laptop computer to leave it with him. The computers will be evaluated to determine if replacements should be issued.

## **OLD BUSINESS**

There was no old business this evening.

## **NEW BUSINESS**

There was no new business this evening.

## **RESOLUTION FOR CLOSED SESSION**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, January 5, 2016 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Schwartz Property
- Contractual – County Dispatch
- Pending Litigation – Affordable Housing
- Personnel – Police Hiring
- Personnel – Borough Administrator
- Tax Appeal – Arcot
- Tax Appeal - Cardaci

**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 enter into Closed Session at 8:30 P.M. was read by Councilperson Kahwaty, seconded by Councilperson Kelly. On voice vote all in favor.

Roll Call Vote

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

At 9:45 P.M. the Council returned from Closed Session

Councilperson Kelly made a motion to approve the hiring of two police officers with the condition that they have a reimbursement agreement for one year. Councilperson Kahawaty seconded the motion.

Roll Call Vote

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

Councilperson Kelly made a motion to pay Mr. Hart \$2,000 as part of the employee recognition program. Councilperson Kahwaty seconded the motion.

Roll Call Vote

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

**ADJOURNMENT**

Motion by Councilperson Kahwaty adjourn the meeting at 9:45 P.M. Councilperson Cadicina seconded the motion.

Roll Call Vote

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

**Resolution 24-16**

**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 \$3,885,991.09 as

shown on the Claims Bill List; \$1,324.00 as shown on the Soil Account Bill List and \$1,112.00 as shown on the Developers Escrow List.

**BE IT FURTHER RESOLVED**, that the payroll of December 3, 2015 in the amount of \$259,288.14 and the payroll of December 17, 2015 in the amount of \$229,015.20 and the payroll of December 31, 2015 in the amount of \$290,720.63 be hereby ratified and approved.

**Resolution 25-16**  
**Award Contract – Clothing Bins**

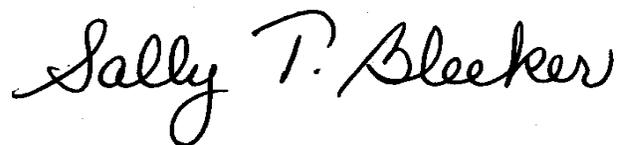
**WHEREAS**, the Recycling Coordinator for the Borough of Franklin Lakes has solicited proposals for the placement of clothing collection bins at the Borough's recycling depot; and,

**WHEREAS**, by memo dated December 3, 2015, the Recycling Coordinator has recommended the award of a contract to a non-profit organization, Planet Aid, 3 Lincoln Drive, Fairfield, New Jersey, upon such terms and conditions as described in said memo;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the recommendation of the Recycling Coordinator is hereby approved and a contract for placement of clothing collection bins at the Borough's recycling depot is hereby awarded to Planet Aid, upon such terms and conditions as set forth in the Recycling Coordinator's December 3, 2015, subject to approval of the form of the Agreement by the Borough Attorney; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Planet Aid and the Recycling Coordinator.

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