

MEETING OF THE MAYOR AND COUNCIL
MARCH 1, 2016
7:30 P.M.

A regular meeting of the Mayor and Council was held on March 1, 2016, in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professionals responded to the roll call: Councilperson Cadicina, Councilperson Kahwaty, Councilperson Lambrix, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Attorney Francis Crotty and Borough Clerk Sally Bleeker. Mayor Bivona and Councilperson Kelly were 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 Kahwaty. Councilperson Cadicina seconded the motion.

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

BOROUGH ENGINEER'S REPORT

Kevin Boswell, of Boswell Engineering, reported that the 2016 Road Program has gone out to bid, and bids are expected next week. The permit to dredge Kings Pond has been received, and Mr. Boswell and Mr. Hart are coordinating with the County to get this work done. The Engineer's Office continues to assist in the due diligence review for the Borough in connection with Express Scripts. Regarding the sewers, Mr. Boswell stated that his office will follow up with the paving and other open items shortly.

Mr. Boswell stated that the drainage problem at Tanglewood Court seems to have disappeared. There is a shed on top of one of the drainage lines on the property that fronts on Franklin Avenue. Two registered letters have been sent about removing the shed with no response. Mr. Boswell surmised that there was probably an obstruction in the downstream drainage line, which is now gone, and he hopes to do some road repair and improvement work that they were holding off on because of the flooding situation. Mr. Boswell stated that the sewer ordinance is being implemented for billing purposes.

Councilperson Ramsey asked about the library sewer connection. Mr. Boswell said he has sent a detailed breakdown of the design work. It appears that the contractor made the hook-up without securing the necessary permits. The contractor is now doing what is necessary for a proper inspection by the Board of Health, and the contractor may have to pay a fine. Mr. Boswell assured the Council he is following up on this on a weekly basis.

Mr. Hart referred to the digital tax maps, and reminded the Council that Boswell was being paid \$40,000 per year for four years to do this work. Mr. Boswell explained how this system works and he added that this project is a year ahead of schedule. He has released the information to Franklin Lakes, who will seamlessly put the information into a GIS system. Mr. Boswell said that this is a powerful tool for the Borough, and he congratulated the Council for taking the initiative and doing this correctly.

Resolution 87-16
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 88-16 Accept Report of the Finance Committee
Resolution 89-16 Budget Transfer
Resolution 90-16 Emergency Temporary Appropriations
Resolution 91-16 Stipulation of Settlement – Raphael
Resolution 92-16 Tax Refund – Cardaci

Resolution introduced by Councilperson Kahwaty. Seconded by Councilperson Cadacina.

Roll Call Vote

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

MAYOR’S REPORT

There was no Mayor’s Report tonight.

COMMITTEE/LIAISON REPORTS

RECREATION AND PARKS

- **Facilities Use Request – Clash for Crown Tourney**
- **Facilities Use Request – Teels Summer Baseball and Softball Clinics**

Councilperson Ramsey said that these two Facilities Use Requests are recommended by the Recreation Director

Councilperson Cadacina commented that many of these events cause a lot of litter. Mr. Hart said that the DPW has come up with an amount that the various organizations have to pay for clean-up. There is a security deposit provision in the ordinance, and Mr. Hart will check to make sure the DPW is following ordinance requirements.

Councilperson Swist noted that the Teels Summer Baseball application mentioned alcohol, and the Recreation Director will have to be consulted for clarification on this.

PLANNING AND DEVELOPMENT

- **CO Bond Ordinance Revision**

Councilperson Kahwaty stated that this is an ordinance stating that if an applicant does not request inspections to confirm improvements the performance bond will revert to the Borough. Mr. Hart said that in the case of the tree escrow fund the ordinance says that if tree bonds are not claimed they go to the town tree escrow fund. They try to contact the developers to return their bonds when the work has been completed, but some of these bonds are old and they are not able to locate the companies that posted the bonds in the first place. The town will attempt to notify the entity who posted the bond; however; this ordinance would permit the bond money to revert to the Borough rather than have the money remain in escrow forever.

- **Rental of Dwelling Units**

Councilperson Kahwaty said that the ordinance allows the rental of homes to families only. He questioned the definition of family. Councilperson Cadacina suggested that language defining family be drafted, and an ordinance should be ready for introduction at the meeting of March 15th.

PUBLIC SAFETY AND LIBRARY

- **County of Bergen – Fire Truck Loaner Program**

Mr. Hart said that the County is offering to loan out fire trucks to municipalities when they are in need. The towns can borrow a fire truck when a truck owned by the municipality is out of service. This is a free service for the first four weeks, and after that there is a charge of slightly over \$100 per week. An ordinance will be on the March 15th agenda.

- **Amending Snow Removal Around Fire Hydrants**

Mr. Hart stated that last year the State Legislature adopted a statute relative to snow removal. The Borough had an ordinance in place but this amends the existing ordinance so that it is consistent with the state language.

- **GIS Data Exchange Agreement**

Mr. Hart explained that the Borough was trying to get fire hydrant information from United Water. United Water is working with the County to allow the Borough to use GIS data within the Borough system. This resolution will be on the March 15th agenda.

- **Drug Amnesty Policy**

Mr. Hart explained that this policy implements the County directive. Henry Wasserstein of the Municipal Alliance worked on this policy with the Franklin Lakes Police Chief, and this is one of the cornerstones of the Mayor's drug prevention initiatives. The Mayor and Council would adopt and endorse this policy at the March 15th meeting followed by a press release.

Councilperson Ramsey returned to the issue of fire hydrants, and said that the hydrants are in deplorable condition. They are rusty, dirty, and in need of painting. Mr. Hart indicated he would follow up on improvements that could be made. Councilperson Ramsey stated that upkeep is the responsibility of United Water, who has indicated they will try to improve the hydrants this year or next year at the latest.

ADMINISTRATION AND FINANCE

- **Mayor and Council Goals 2016**

Mr. Hart asked for input from Councilmembers and Council Committees. Last year the Council adopted a resolution approving the goals. The goals contain action items, and Mr. Hart suggested that the Council focus on those items within their committee responsibilities. Councilperson Lambrix stated that each liaison review last year's action item and remove the items that have been completed. Mr. Hart asked that comments and recommendations be forwarded to him before the April work session.

Mr. Hart stated that the Police Department advocated for a demonstration by Nixel. Nixel is a subscription based text messaging and email messaging notification system. Nixel is used mostly by police departments and emergency management for public safety messages. Mr. Hart stated that this will be a significant improvement in the communications network and integrates automatically with Facebook, Twitter and the Borough website. It can also be used to promote town events such as the Town Fair.

- **Annual Fee Review**

Mr. Hart stated that every year the Department Heads are asked to review their fees. There are two small amendment requests, one for DVDs and Flash Drives, and the other for a small increase in the parking fee for residents at the VFW from \$35 to \$40. Parking for a limited number of non-residents is available at a cost of \$160 per year, and after some discussion Councilmembers agreed to raise the fee to \$170.

PUBLIC WORKS

There was no report this evening.

ENVIRONMENTAL AND COMMUNITY AFFAIRS

Councilperson Swist reminded everyone of Clean-Up Day on April 16th. The focus is on three spots, including the Municipal Building, McBride Field, and the tennis courts. They are working with the schools, and will be engaging students. She announced that the class with the most volunteers will get an ice cream party. Each volunteer will get a free weekend without homework, and sweatshirts will be given away. Councilperson Swist encouraged Councilmembers to attend.

Councilperson Swist said that work continues on the film festival. She doesn't have the details yet, but there will be two films scheduled on a Sunday afternoon. She stated that they are working on a draft of Water Conservations tips for an eBlast to go out in the spring.

Councilperson Swist stated that there had been a discussion of having a student on the Environmental Commission, and the person in charge of the Environmental Club at Ramapo High School will look into this. Carole Holden is working on the recertification of Sustainable New Jersey

Councilperson Swist asked about information she received stating that the town will now have to pay for the removal of electronic waste. Mr. Hart said that they have set aside money in the operating budget to cover this cost.

- **Tree Removal Permit – 670 Peach Tree Lane**

Councilperson Swist said that Mike Tulp and Kris Hasbruck will attend the Council Meeting on April 5th to report on the tree farm. The tree removal permit for 670 Peach Tree Lane was approved.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart said that he would like to list the appointment of an ADA Coordinator on the March 15th meeting agenda. This is a legal requirement that the Borough has not complied with as of yet. John Wittenkind, the Construction Official, is very familiar with ADA requirements, and he has volunteered, and will be appointed for this job on March 15th. People who have issues with ADA compliance will be able to contact Mr. Wittenkind for assistance and a resolution.

Regarding Revelstone, Mr. Hart said they continue to work to get a sense of the options that are available. Mr. Hart said they are ready to promote the second annual Living Healthy Challenge, which is a ten week program beginning in April. This year they are working with Wyckoff and Oakland. He announced that Dina Robinson was working with the County on their Wellness Program in addition to working with the Borough.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

There was no new business this evening.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1656R for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Swist. On voice vote, all in favor.

Borough Clerk read the Ordinance by title only.

**ORDINANCE 1656R
AN ORDINANCE AMENDING CHAPTER 373
“PROPERTY MAINTENANCE” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO INCREASE PENALTY**

WHEREAS, Ordinance 1656R was introduced at a meeting of the Mayor and Council held on the 1st day of March 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1656R be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1656R will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of March 2016 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 1656R; 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 introduced by Councilperson Kahwaty, seconded by Councilperson Swist. Discussion – Mr. Hart explained that a similar ordinance 1656 was introduced at a previous meeting. The ordinance indicated that a fine of \$2,200 could be imposed for violating the ordinance, but when he checked further he realized that that maximum fine per State statute must be \$2,000. The previous ordinance will be voted down at the next meeting, and will be replaced by this ordinance.

Roll Call Vote

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

Move to take up consideration of Ordinance 1668 for Introduction, and direct the Borough Clerk to read by title was made by Councilperson Cadacina, seconded by Councilperson Kahwaty

Borough Clerk read the Ordinance by title only.

**ORDINANCE 1668
AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND
DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES
TO CREATE THE RB-2 RETAIL BUSINESS DISTRICT 2, CONSISTING OF
BLOCK 1418, LOTS 1-6, BLOCK 1419, LOTS 2, 7, 8, 8.01, 8.02, 21.01, 21, 22, 26
AND BLOCK 1518, LOTS 2 AND 5.01; AND TO SUPPLEMENT AND AMEND
THE CHAPTER AS NECESSARY**

WHEREAS, Ordinance 1668 was introduced at a meeting of the Mayor and Council held on the 1st day of March 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1668 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1668 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 5th day of April 2016 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 1668; 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 Councilperson Kahwaty, seconded by Councilperson Cadacina. Discussion – Mr. Hart stated that the Planning Board reviewed the ordinance, and the Board Attorney recommended a number of revisions. Mr. Hart reviewed the changes to the ordinance.

Roll Call Vote

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

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, March 1, 2016 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Block 2408, Lots 1.03 and 1.04

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 8:53 P.M. was read by Councilperson Kahwaty, seconded by Councilperson Cadicina.

Roll Call Vote

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

ADJOURNMENT

Motion by Councilperson Cadicina to adjourn the meeting at 8:55 P.M. Councilperson Kahwaty seconded the motion.

Roll Call Vote

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

Resolution 88-16

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 \$5,037,995.43 as shown on the Claims Bill List; \$184.00 as shown on the Soil Account Bill List and \$1,123.68 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of February 11, 2016 in the amount of \$225,616.20 and the payroll of February 25, 2016 in the amount of \$214,554.43 be hereby ratified and approved.

Resolution 89-16

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the following 2015 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Group Health Ins. Plan	7,000	
To		
Litigation OE		4,000
Finance OE		3,000
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	7,000	7,000

Resolution Number 90-16

RESOLUTION TO AUTHORIZE EMERGENCY TEMPORARY APPROPRIATIONS FOR CY 2016

WHEREAS, the CY 2016 budget has not been adopted, and adequate provisions could not be made in the CY 2016 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

WHEREAS, the total emergency temporary resolutions adopted in CY 2016 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$33,220.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

1. That emergency temporary appropriations be and the same are hereby made for:

Police Department - Other Expenses 27,345.00

2. That said emergency temporary appropriations be provided for in the CY 2016 adopted budget.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Resolution 91-16

Block: 1604.08
Lot: 3
Street Address: 705 Carriage Lane
Owner: Raphael, Richard and Gay

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

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 978,500	\$ 978,500
Improvements	\$2,921,500	\$2,321,500
Total	\$3,900,000	\$3,300,000

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 741,000	\$ 741,000
Improvements	\$2,722,500	\$2,359,000
Total	\$3,463,500	\$3,100,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 741,000	\$ 741,000
Improvements	\$2,722,500	\$2,359,000
Total	\$3,463,500	\$3,100,000

Tax Year: 2014

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 741,000	\$ 741,000
Improvements	\$2,722,500	\$2,299,000

Total	\$3,463,500	\$3,040,000
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Tax Year: 2015

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 741,000	\$ 741,000
Improvements	\$2,722,500	\$2,299,000
Total	\$3,463,500	\$3,040,000

Resolution 92-16

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 2605 Lot 1.01 whose property location is 300 Sleepy Hollow Lane, tax payers Michael P. & Renee E. Cardaci,

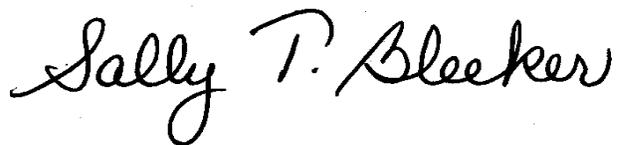
WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment,

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer 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>
2605	1.01	\$ 46,800	\$
735.70		(2014)	

All checks made payable to:
 Michael P. & Renee E. Cardaci
 300 Sleepy Hollow Lane
 Franklin Lakes, NJ 07417

Respectfully submitted,



Sally T. Bleeker, Borough Clerk