

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

A regular meeting of the Mayor and Council was held on April 5, 2016, in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professionals responded to the roll call: Mayors for the Day Leah and Ben Ansh, Mayor Bivona, Councilperson Cadicina, Councilperson Kahwaty, Councilperson Kelly, Councilperson Lambrix, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Crotty and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

The Borough Clerk read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

Mayor for a Day Ben Ansh stated that he toured the DPW, the Police and Fire Station, and a trial at Municipal Court, with the other Mayor for a Day Leah Ansh, and Mayor Bivona. Mayor for a Day Leah Ansh suggested the installation of a Town Pool and more sidewalks, and Mayor for a Day Ben Ansh wanted a Petting Zoo.

APPOINTMENTS

- Liz Morris – Clean Communities Coordinator
- Tyler Braun – Franklin Lakes Firefighter
- Matthew McNally – Franklin Lakes Junior Firefighter

Councilperson Kahwaty made a motion to approve the appointments, seconded by Councilperson Kelly.

Roll Call Vote

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

Tyler Braun and was sworn in as a Franklin Lakes Firefighter by Mayor Bivona.

Matthew McNally was sworn in as a Franklin Lakes Junior Firefighter by Mayor Bivona.

PROCLAMATION

The following proclamation was read by Mayor Bivona.

National Distracted Driving Enforcement Campaign

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, the increased health and well-being of the Borough of Franklin Lakes, County of Bergen, State of New Jersey citizens are a direct result of increased enforcement and awareness about the dangers of distracted driving; and

WHEREAS, in order to reduce the number of crashes as well as improve driver safety, the Borough of Franklin Lakes, County of Bergen, State of New Jersey motorists should commit to adopting and maintaining safe behavior while behind the wheel; and

WHEREAS, April 8 through April 13, 2016, has been selected as the *National "You Drive. You Text. You Pay." Distracted Driving Enforcement Campaign*;

AND WHEREAS, increased high-visibility enforcement of distracted driving laws coupled with publicity has proven to be an effective method to reduce distracted driving and save lives;

NOW, THEREFORE, I, Frank Bivona, Mayor of the Borough of Franklin Lakes do hereby proclaim and pronounce April 8-13, 2016, as the *National "You Drive. You Text. You Pay" Distracted Driving Enforcement Campaign* in the Borough of Franklin Lakes, County of Bergen State of New Jersey, and urge all citizens to always put the cell phone down, focus on the road, and buckle up when driving on our roadways. Drivers are reminded that if they drive and text, they will pay.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Borough of Franklin Lakes, County of Bergen State of New Jersey.

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Ramsey. Councilperson Cadicina seconded the motion.

Bob Scanlan, 71 Ackerman Street, said he was concerned about the parking lots on both the side and rear of his property. He described the difficult exit onto Colonial Road from his street, and added that the new building to the south will worsen the situation. He asked if anything is being done by the County to alleviate the traffic situation. Mayor Bivona stated that the Colonial Road development went through Planning Board review about a year ago. Mr. Boswell confirmed that traffic studies were done, and Mayor Bivona added that the County has no plans to widen the road at this time. Mayor Bivona said that the new development is the result of a Court action, which the Borough fought and lost.

Mr. Scanlon referred to the development on the corner of Franklin Avenue and Colonial Road, and asked if the egress onto Colonial Road has been addressed. Mayor Bivona said this had not been addressed, and this development will be subject to a public hearing before the Planning Board. Mr. Scanlon commented that the traffic will be horrendous at this location, when this project is built.

Janet Levinsky, 797 Ackerman Street, said that the homes along Colonial Road and Ackerman Avenue are affordable and are being purchased by young families. She is concerned with the volume of traffic, and the fact that a child could get injured or killed walking on this road. Mayor Bivona said that they are trying to get funding to install a sidewalk from the area of the Colonial Road School to Franklin Avenue. The problem is that that street is so narrow and it is difficult to find ways of accommodating the sidewalks. The Borough is hoping to finance the sidewalks by means of a grant. Mayor Bivona explained that they are trying to restrict development through zoning; however, Colonial Road is a County road and under the County's jurisdiction.

Tim Levinsky, 797 Ackerman Street, asked about the Planning Board procedure relative to the development. Mayor Bivona explained that there is an ordinance for second and final reading on tonight's agenda, which would allow Gabrellian to build a shopping center that would revitalize the downtown area of Franklin Lakes. The Planning Board and the Mayor and Council have spent a considerable amount of time drafting an ordinance, which they feel will be beneficial to the Borough and the residents. They have tried to design the ordinance to fit the community, and to encourage small businesses on the street level, and medical offices, or something similar on the second floor.

Mr. Levinsky asked if the public could speak about this development at the Planning Board meetings. Mr. Hart said there would be public hearings where residents are encouraged to voice their concerns. Mayor Bivona stated that the ordinance being heard tonight has been vetted through the Planning Board. Both the Planning Board and the Mayor and Council have thoroughly discussed this ordinance, and have incorporated the concerns of the Borough's Planner. Mayor Bivona stated that one of the biggest concerns of the Planning Board in these types of applications is adequate buffering of residential areas. The ordinance will most likely be approved tonight, which will be followed by a site plan application to the Planning Board by Gabrellian. Mr. Levinsky reiterated his concern with the buffer zone, and Mr. Boswell explained that the developer is trying to combine a number of properties that were zoned differently, as well as being irregularly shaped, into a cohesive plan. Mr. Boswell said he would discuss the possibility of a buffer with the developer and he did not think this was an unreasonable request.

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

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Councilperson Kahway to take up Ordinance 1668 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Lambrix.

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

Summary – This ordinance establishes the RB-2 District, located in the Franklin Avenue downtown, and provides zoning regulations for the District.

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

Mr. Hart stated that the ordinance had been referred to the Planning Board both prior to introduction, and again after introduction. The Planning Board recommended several additions, which have since been incorporated into the ordinance. Mr. Crotty reviewed the changes and has determined them to be non-substantive, which means that the ordinance does not have to be re-introduced. The Mayor and Council can move forward with the adoption of the ordinance. Mayor Bivona said that Mr. Gabrellian's attorney attended the last meeting and asked for clarification of a few items, as well as several changes to the ordinance. The Borough Planner did not agree with the requested changes pertaining to the buffers, and this ordinance is going forward for the second and final

reading tonight, as well as adoption. The Planning Board Chairwoman said that the Borough Planner's comments were consistent with the opinion of the Planning Board, and there was no reason for the Planning Board to review the ordinance again.

Motion to open the hearing to the public was made by Councilmember Kahwaty, seconded by Council President Lambrix. Council President Lambrix said that the Council has heard the concerns of the residents, and he advised them to bring the concerns relative to buffers and traffic, when the Planning Board considers the site plan application for this development. Discussion:

Eileen Aranio, 774 Sunset Terrace, asked whether the ordinance deals with making the area more pedestrian friendly. Mayor Bivona mentioned that the ordinance is available online, and is quite specific relative to the development of a walkable commercial district composed of small stores with high quality, distinctive architecture that is compatible with the character of this quarter. A crosswalk on Franklin Avenue is included and the building is setback to be more in keeping with the Kayal Building.

No one else came forward and a motion to close the public hearing was made by Councilperson Kahwaty, seconded by Council President Lambrix.

Resolution read and proposed for adoption by Councilperson Kahwaty, seconded by Councilperson Swist. Discussion – None.

Roll Call Vote

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

PRESENTATION

Shade Tree Commission

Mike Tulp and Kris Hasbrouck came forward. Mr. Tulp reported that more time is being focused hearing appeals on the tree ordinance. They are trying to work with the public on reasonable solutions particularly in areas where tree growth has gotten out of hand. Quite often property owners are asked to replace trees with trees that will not grow as high or as large while continuing to provide an adequate canopy. Mr. Tulp commented that the builders are reasonable about replacement trees in most cases.

Mr. Tulp spoke about the tree farm and stated that the unclaimed money in the Shade Tree escrow fund is being used for this purpose. Volunteers installed fencing and a plan was developed for a shade tree farm approximately 80 square foot by 100 square foot at the Nature Preserve. Initially it was thought that hundreds of small saplings in pots could be grown, and then planted after about five years throughout the Borough on public land. He noted that out of all the saplings that were planted eight years ago only 150 survived, and they are now planting bear root trees. The plan is to plant 15 trees this year, and they have a stock of 150 trees.

Mr. Tulp spoke about the Emerald Ash Borer, which is a tree blight that is expected to take hold of the area shortly. He said that they will have trees ready to replace affected trees in the Borough. Mr. Hasbrouck stated that they don't have a lot of information available to give to residents pertaining to the Emerald Ash Borer, however, he did distribute a pamphlet to the Councilmembers with a picture of the insect. Mr. Hasbrouck has drafted an information sheet on this evasive insect, which was first identified in Michigan and has killed hundreds of millions of ash trees. It was first found in New Jersey in 2014, and in 2015 it was located in Hillsdale. Expert says that once the insect is identified in an area all of the ash trees will be wiped out in about ten years. Mr. Hasbrouck suggested an inventory of ash trees, and a decision needs to be made relative to trees that could be saved. Trees can be saved through an injection method, or through

a soil drenching method whereby the trunks of the trees are painted. This has to be done on an annual basis, and a determination has to be made as to whether any of these trees are worthy of protection. Mr. Hasbrouck said that the Shade Tree Commission and the Mayor and Council will need to focus on tree replacement for approximately 10% of the trees that are anticipated to be lost.

Mr. Tulp said that they may want to consider being more lenient with people who want to remove ash trees now and in the near future. Councilperson Ramsey suggested distributing pictures of the Emerald Ash Borer or putting photos on the Borough website. Councilperson Swist asked if the Emerald Ash Borer has any predators and Mr. Tulp said that there are several types of wasps who will eat the larvae.

Mr. Tulp announced Arbor Day on April 29th when 27 trees will be planted. Trees will be planted at the Reservoir, McBride Field, and at the VFW.

Councilperson Swist commented on the marvelous job of tree maintenance being done by Mr. Tulp, Mr. Hasbrouck and the volunteers at the Shade Tree Commission.

BOROUGH ENGINEER'S REPORT

Mr. Boswell reviewed the status report, and he noted that the sanitary sewer project for the municipal complex, including paving would be complete within the next 30 days. He reported that Boswell continues to follow up on Express Scripts as needed.

Mr. Boswell referred to the trash rack, which will control the beaver dams at Indian Trail Drive. They have a quote of \$9,000 that would cover the installation of the trash rack by a welder, however, Mr. Hart has suggested getting two additional quotes. Mr. Boswell recommended quotes for a stainless steel rack that will last much longer than galvanized rake.

Mr. Boswell reported on the bids received for the 2016 road improvement program. The prices for asphalt and milling are the lowest he has seen in over 15 years, and he pointed out that this project is large enough to attract these prices. He recommended the award to the low bidder, Crossroads Pavement Maintenance in the amount of \$692,710. Mr. Boswell said that the Borough has received a grant that will fund the balance of the paving on Huron Road, as well as a section of Old Mill Road to Pulis Avenue.

Mr. Hart said that there is a grant available for the Safe Routes to Schools Program, which would provide the opportunity to run the sidewalk from Colonial Road School to Franklin Avenue. The grant professionals will be filing the application, and there will be a resolution for the April 19th meeting authorizing the grant application. Mr. Boswell stated that this is a federal grant which means that the Borough will have to get involved in an environmental study, and a historic preservation analysis. The State will pay for four firms to do the design work. and Boswell would be able to perform the inspections.

CONSENT AGENDA RESOLUTION 112-16

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.

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|-------------------|---|
| Resolution 113-16 | Accept Report of the Finance Committee |
| Resolution 114-16 | Approve Special Needs Housing LURP |
| Resolution 115-16 | Award Contract – 2016 Road Improvements |
| Resolution 116-16 | Award Contract – 911 Dispatch Services |
| Resolution 117-16 | Award Contract – Child Care Center |
| Resolution 118-16 | Award Contract – E-Waste Collection |
| Resolution 119-16 | Certification of Expenditures – Solid Waste Tax |
| Resolution 120-16 | Emergency Temporary Appropriation |
| Resolution 121-16 | Tax Refund – Breslow |

Resolution 122-16 Tax Refund – Farro

Resolution introduced by Councilperson Kahwaty. Seconded by Councilperson Kelly.

Roll Call Vote

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

**RESOLUTION 123-16
Agreement – Toll Brothers and Wyckoff**

The Borough Administrator read the following resolution.

WHEREAS, the Borough of Franklin Lakes, the Township of Wyckoff and Toll Bros., Inc., are desirous of entering into an Agreement for the purpose of providing sanitary sewer service for the Toll development in Franklin Lakes, consisting of 275 residential units and clubhouse, through a sewer line to be constructed at Toll’s sole cost and expense, which sewer line shall connect directly into the existing sewage collection system maintained by Wyckoff;

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 and directed to execute an Agreement between the Borough of Franklin Lakes, the Township of Wyckoff and Toll Bros., Inc., for the purpose of providing sanitary sewer service for the Toll development in Franklin Lakes; except that the Borough’s approval of the Agreement is subject to the condition that the Township of Wyckoff shall reimburse the Borough of Franklin Lakes for all costs incurred by the Borough in fulfilling its obligations under paragraph 21 of the Agreement;

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Township of Wyckoff, Toll Bros., Inc., and the Borough Attorney.

Motion to introduce the resolution made by Councilperson Cadicina, seconded by Councilperson Kelly.

Mayor Bivona explained that this resolution pertains to the Toll Brothers development at the former golf course. The resolution requires residents of the development to pay the associated sewer costs to the Township of Wyckoff. If a resident does not pay, Wyckoff is requesting that a lien be placed on the home by the Borough of Franklin Lakes. The resolution requires that Wyckoff would reimburse Franklin Lakes for any associated costs in connection with the lien.

Councilperson Kahwaty made a motion to adopt the resolution. Councilperson Kelly seconded the motion.

Roll Call Vote

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

MAYOR’S REPORT

- **Community Garden**

Mayor Bivona reported on the Community Garden initiative, and stated that the food goes to the Center for United Methodist Aid to the Community (CUMAC) for residents of Paterson. While he supports this wonderful community project, he indicated to the CUMAC that the Borough will not be providing money, only space. He suggested an area at the rear of McBride Field near the utility space. Mayor Bivona asked if the Community Garden should be allowed on municipal property, and he added that this means that the space would have to be open to the entire community. There is electric and irrigation available, but the CUMAC would have to spend the necessary money to extend the system, and they would have to install a deer fence. There is also space available at the Nature Preserve near the tree farm.

After a short discussion, the Council indicated that this proposal was low risk and good for the community. They were in agreement to allow the Community Garden led by the Methodist Church to be located at McBride Field.

Mayor Bivona spoke about Healthy Challenge which is a three town effort this year. He said that there will be some minor changes made for the Town Fair to promote more activity. This includes a small car show on the Friday night and more food trucks. He was told that the food trucks are reluctant to come to Franklin Lakes due to high fees. He hopes to introduce an ordinance to lower these fees, and to do more advertising to promote the fact that there will be more food vendors.

Mayor Bivona stated that the American Heart Association Walk will take place early in October in Franklin Lakes. Express Scripps has agreed to join this effort and they expect 1,000 people to participate.

- **Memorial Day Parade**

Mayor Bivona announced that the VFW is disbanding, and the post is closing because they are having trouble attracting members. He said he would like to keep the Memorial Day Parade alive, however, they may want to consider a ceremony with speakers in place of a parade. He suggested that this be more of an event, and less of a parade which could be more attractive for residents. Councilperson Swist suggested that Mary Ellen Mara organize the event, which should be scheduled for later in the morning, with entertainment provided by the Barry Glick Band. Councilmembers were in agreement.

COMMITTEE/LIAISON REPORTS

ENVIRONMENTAL & COMMUNITY AFFAIRS

- **VFW Building**

Mayor Bivona said that a plan is needed to enhance this Memorial area. He suggested adding trees; however, Councilperson Ramsey thought the building should be removed to provide more parking. Councilperson Cadicina suggested keeping the building available for last minute things that come up such as events for the children.

Mr. Hart recommended that a committee be formed to look into the various possibilities., Councilperson Cadicina will work on a plan to present to the Council with Councilmembers Swist and Kahwaty.

- **Recreational Trails Grant Application**

Mr. Hart spoke about the grant application for the New Jersey Department of Environmental Protection (NJDEP) Trails program. The Borough applied for a trail network last year on the other side of Old Mill Road. The grant application was denied, and Mr. Hart is recommending that the application be resubmitted. The resolution will be ready for the meeting of April 19th.

Councilperson Swist stated that the response for Clean-Up Day scheduled for April 16th has been wonderful this year. She spoke about the Green Film Festival, which consists of four films two of which will be shown on a Sunday.

PARKS & RECREATION

Councilperson Kelly reported that the lacrosse equipment, including helmets have been received. The new lacrosse goals, which are different from the football goals were delivered. The practice sessions for the travel baseball have begun. New baseball equipment was also purchased, and all of the baseball coaches have completed their certification programs. Councilperson Kelly stated that the Employee Wellness Program has begun, and has been well received.

Councilperson Lambrix reported on a meeting regarding the Express Scripps property. They looked at the two baseball fields, the fitness center, tennis courts, basketball courts, and the picnic area. The meeting was also attended by Jason Robinson, Rich Lilenthal, and Tom Perneti. Councilperson Lambrix has requested a Strategic Plan to be submitted from the Parks and Recreation Department. There has been prior planning done in the past, and Councilperson Lambrix came up with a memo about what would be needed to aid in formulating a plan. The plan would look at inventory and assets, along with recommendations and options, such as the rotation of playing fields. Mr. Robinson would be in charge of the plan, with the help of the DPW and the Environmental Commission.

Mr. Hart commented that this process should be kept simple because the Borough doesn't have the resources to invest too much into the property. They need to focus on the needs of the Parks and Recreation program, or improvements that could substantially improve existing programs. Mr. Hart added that this is a great venue for park like events, and he looks forward to Mr. Robinson's report and evaluation. Mayor Bivona said that the Borough will close on the property in June, and it will be important to have a plan at that point.

Mr. Hart referred to the litter problem, which seems to occur at the Pulis field more than the other fields. Mayor Bivona suggested that a memo come from Councilperson Swist, who is the Environmental Liaison. Councilperson Swist said she received a complaint from a resident about the litter, which occurs at the conclusion of the games. She suggested that the coaches be responsible to make sure that the kids clean up after their games, and that a memo needs to come from Mr. Robinson to the coaches. After some discussion, Councilperson Swist indicated that she would speak to Mr. Robinson further about addressing this problem.

PLANNING AND DEVELOPMENT

- **Kayal Fence – Hold Harmless Agreement**

Councilperson Kahwaty stated that the Kayal family had made an application to the Planning Board relative to a fence on a drainage easement, which resulted in a tie vote. The applicant's attorney said a tie vote means that the application is approved, however, Mr. Smith disagreed stating that this is a rejection of the application. It is now up to the Mayor and Council to decide whether or not to sign off on the request.

Councilperson Swist asked for reasons why they would not approve the Hold Harmless Agreement. Mayor Bivona said that Dr. Kayal was willing to make repairs to the drainage pipe across the easement. The question is whether or not to allow a fence across the easement. Dr. Kayal has agreed to remove the fence if repairs were needed. Councilperson Kahwaty pointed out that the Borough Engineer did not object to this request.

After some discussion, Councilperson Cadicina commented that more information was needed on the type and location of the fence. Additional information will be distributed to Councilmembers shortly.

- **Ordinance No. 1671 – Control of Rental Properties**

Councilperson Kahwaty stated that this ordinance would prevent the rental of certain units by limiting the definition of family. Mr. Smith, the Borough Attorney, indicated that the ordinance is unconstitutional and Mr. Hart recommends that the ordinance be tabled. Councilmembers agreed.

- **Tax Map Ordinance – Update Fee**

Councilperson Kahwaty referred to a sample ordinance from Oradell relating to the amendment of tax maps that would require a fee of \$500 from developers when new lots are created. This recommendation was put forward by the Engineering Office to cover the cost of updating and amending tax maps. Mayor Bivona suggested that the fee reflect the actual cost of updating the map, and Mr. Hart indicated that he didn't agree with calling this an "escrow" fee. After some discussion, Mayor Bivona said he doesn't like the layering of fees, and he suggested that any fee for amendments to the tax map should be incorporated into the application fee. Mr. Hart said he would do some more research on this.

PUBLIC SAFETY AND LIBRARY

- **County Dispatch**

Councilperson Ramsey referred to the memo, which concluded that this is not a good time to switch over to the County Dispatch System. The Council should not close the door on this option and needs to follow up to determine whether this could work for the Borough sometime in the future. Councilperson Lambrix said that if the Borough goes to County Dispatch there will be a demand to keep the Police Station open, and the cost savings noted by Mr. Hart will diminish, as demands on the County increase, it will have to hire additional staff. Councilperson Lambrix added that the use of a County wide dispatch system will only centralize the power base at the County level.

Mayor Bivona explained that he looks at this differently. He explained that there are usually three to four police officers working from 7:00 P.M. to 7:00 A.M., and he recommends rotating one of those officers in the office. Mayor Bivona felt that this plan would enhance public safety since there isn't much going on in the middle of the night, and the department is on its way to being fully staffed.

Councilperson Lambrix pointed out that the Police Chief is opposed to the plan, which is a major factor in his decision. After more discussion, the Council agreed not to go forward with the County Dispatch system.

- **Knox Box Purchase**

Mr. Hart stated that this purchase is on the agenda because it is over the threshold price. Chief Ryan explained that a Knox box houses the master key to Borough buildings. The system under consideration are secure systems installed in the fire trucks, and the Chief's car will have the key secured with a code and a tracking system that recognizes when the key was removed. The cost for the system is approximately \$7,200. Councilperson Ramsey explained that in an emergency the system gives the fire and police departments immediate access to a building.

- **Fire Department By Laws Change**

Mr. Hart stated that the change to the By Laws would allow a Fire Chief to service six terms.

ADMINISTRATION AND FINANCE

- **Mayor and Council Goals 2016**

Mr. Hart stated that he received some feedback from Councilperson Kelly on Recreation and Parks which he has incorporated into the 2016 Goals. Additional comments were

added on wellness and communications. Councilmembers indicated agreement and Mr. Hart said this item would be on the April 19th agenda.

- **Lease of Copiers**

Mr. Hart said that Ms. Bleeker has recommended leasing of copiers from Ricoh. Due to the fact that this is a State contract a resolution is needed, which will be listed for April 19th.

- **Personnel Policies Amendments**

Mr. Hart explained that these are recommended changes from the Bergen JIF as part of the Employment Practices Liability Coverage. These changes are needed in order to comply with the law and are listed for April 19th.

- **Press Releases and Departmental Directives Policy**

Mr. Hart referred to the updated version of the proposed Press Releases and Policy Directives. After a discussion, Mayor Bivona proposed that the ordinance be amended to state that the Administration needs to be aware of any directives that are issued relative to policy. These directives would then have to come before the Mayor and Council for approval.

Regarding press releases, Mr. Hart stated that there is a requirement that official press releases receive formal approval by the Mayor and Council. This is not the current practice, and Mr. Hart recommended that official Borough press releases should be issued by the Borough Administrator, or his or her designee. At the moment the Police Department is issuing press releases on their own and they will not be able to continue this practice after this ordinance is passed.

Mayor Bivona said that the Administrator has a trained eye for accuracy in reviewing these press releases, and this does not require the scrutiny of the Mayor and Council. However, the Mayor and Council needs to be aware and approve of departmental directives and policy changes. Mr. Hart said that the policy directives are presently being approved by the Administrator, and the Council may want to look at definitions, or exact authority of the Mayor and Council. At the moment this is a framework that needs additional work and refinement. Mr. Hart said that he will continue to work on this with the help of Councilperson Lambrix.

PUBLIC WORKS

There was no report this evening.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart said that he has distributed a copy of the local ethics laws for review and reference. He commented that it is important that Councilmembers be familiar with these laws.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

Councilperson Ramsey was concerned with the fact that covers are not being put on the dumpsters at new construction sites. Mayor Bivona said that the appropriate fines have been issued.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1675 for Introduction and direct the Borough Clerk to read by title was made by Councilperson Cadicina, seconded by Councilperson Kahwaty.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1675

AN ORDINANCE SUPPLEMENTING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PERMIT CHILD-CARE CENTERS IN THE OB-RL DISTRICT

WHEREAS, Ordinance 1675 was introduced at a meeting of the Mayor and Council held on the 5th day of April 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 1675 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 3rd day of May 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 1675; 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 Cadicina, seconded by Councilperson Kelly. Discussion –Mr. Hart explained that this ordinance removes the restriction that limits child care centers to children of employees of permitted uses on the Express Scripts site. This will allow community children to attend the child care facility.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist
Nays: None
Abstain: None
Absent: None
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, April 5, 2016 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – DPW Employee
- Personnel – PBA Grievance
- Tax Appeal – Turi
- Pending Litigation – University Heights Tax Appeal
- Tax Appeal – Urban Farms Acquisition
- Litigation – Affordable Housing Expert

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 10:21 P.M. was read by Councilperson Cadicina, seconded by Councilperson Kahwaty. On voice vote, all in favor.

ADJOURNMENT

Motion by Councilperson Kahwaty to adjourn the meeting at 11:00 P.M. Councilperson Cadicina seconded the motion. On voice vote, all in favor.

Roll Call Vote

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

Resolution 113-16

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 \$4,989,243.60 as shown on the Claims Bill List; \$2,136.00 as shown on the Soil Account Bill List and \$3,402.07 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of March 10, 2016 in the amount of \$198,482.87 and the payroll of March 24, 2016 in the amount of \$230,570.55 be hereby ratified and approved.

Resolution 114-16
Special Needs Housing LURP

WHEREAS, Franklin Lakes Supportive Housing Urban Renewal, LP, the developer of the special needs housing project, is required to obtain certain freshwater wetlands and flood hazard area permits from the New Jersey Department of Environmental Protection in connection with the development of the project; and,

WHEREAS, the Borough of Franklin Lakes, as owner of the property, must sign the permit applications;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that Mayor Frank Bivona is hereby authorized to execute the New Jersey Department of Environmental Protection permit application on behalf of the Borough, subject to review and approval of the applications by the Borough Engineer; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Franklin Lakes Supportive Housing Urban Renewal, LP, and the Borough Engineer.

Resolution 115-16

WHEREAS, the Borough of Franklin Lakes advertised for and opened bids on March 8, 2016 for the 2016 Road Improvement Program; and

WHEREAS, the Mayor and Council wish to award this contract to the lowest responsible bidder; and

WHEREAS, eleven (11) companies submitted a bid for the 2016 Road Improvement Program; and

WHEREAS, the Borough Engineer has reviewed the bids submitted and has determined that the bids meet the specifications.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey as follows:

1. Crossroads Pavement Maintenance, LLC 81 Franklin Avenue, Nutley, New Jersey 07110, is hereby awarded the contract for the 2016 Road Improvement Program for the base bid of \$572,017.50 and alternate bid "A" in the amount \$120,692.50 for a total bid amount of \$692,710.00 in accordance with the bid specifications.
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

BE IT FURTHER RESOLVED that the Treasurer be and is hereby authorized and directed to issue payment upon receipt of approved voucher.

RESOLUTION 116-16

AWARD CONTRACT – 911 DISPATCH SERVICES

WHEREAS, the Borough Administrator solicited two proposals for E9-1-1 Public Safety Answering Point services; and,

WHEREAS, the Borough Administrator is recommending that the contract for E9-1-1 Public Safety Answering Point services be awarded to the vendor that submitted the lowest proposal, Northwest Bergen Central Dispatch, 30 Garber Square, Ridgewood, New Jersey 07450, for a two year contract at the rate of \$7,973.34 per year, for a total contract amount of \$15,946.68 commencing January 1, 2016; and,

WHEREAS, Northwest Bergen Central Dispatch is the current vendor for these services and has provided satisfactory services;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the contract for E9-1-1 Public Safety Answering Point services be and is hereby awarded to Northwest Bergen Central Dispatch, for a two year contract at the rate of \$7,973.34 per year, for a total contract amount of \$15,946.68; 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 are sufficient appropriations to fund the purchases 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 Northwest Bergen Central Dispatch, the Police Chief, and the Chief Financial Officer.

Resolution 117-16

Award Contract – Child Care Center

WHEREAS, N.J.S.A. 40A:11-4.1 authorizes the use of the competitive contracting process in lieu of public bidding for the procurement of certain specialized goods and services including the operation, management or administration of social services facilities or programs; and,

WHEREAS, the Borough of Franklin Lakes, as contract purchaser of the property shown as Block 2607, Lot 1, as shown on the Tax Map of the Borough, issued a Request for Proposals in accordance with the competitive contracting process for the operation of a Child Care Center facility on said property; and,

WHEREAS, the methodology for the awarding of the contract, as set forth in the Request for Proposals, is based on an evaluation and ranking, which includes certain criteria and the weighting of criteria; and,

WHEREAS, two proposals were received for the operation of the Child Care Center facility; and,

WHEREAS, a committee, consisting of Council President Tom Lambrix and Borough Administrator Greg Hart, evaluated both proposals in accordance with the methodology described in the request for proposals and issued a report which summarized the proposals of each of the potential vendors, ranked the vendors in order of evaluation, and recommended the selection of Children's Creative Learning Center, 65 N.E. Holladay Street, Suite 1400, Portland, Oregon 97232, for the operation of the Child Care Center;

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 operation of the Child Care Center facility on Block 2607, Lot 1 be and is hereby awarded to Children's Creative Learning Center, for a contract period of five years, with a Borough option for an additional five years, in accordance with its proposal dated January 26, 2016, subject to the closing of title on said property; and,

BE IT FURTHER RESOLVED that the report of the committee referenced hereinabove shall be part of the public record; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Children's Creative Learning Center in a form that is satisfactory to the Borough Attorney; and,

BE IT FURTHER RESOLVED that the Borough Clerk shall publish a notice in the official newspaper summarizing the award of the contract; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Children's Creative Learning Center, Express Scripts and the Borough Attorney.

Resolution 118-16

WHEREAS, the Recycling Coordinator for the Borough of Franklin Lakes received three (3) proposals for collection of e-waste from the Borough's Recycling Center; and

WHEREAS, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

WHEREAS, the Borough Administrator has reviewed the proposals submitted and has determined that the proposals meet the specifications and recommends the award of a contract to apparent low proposal E-Revival.

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

1. E-Revival LLC, 141 Lanza Avenue, Building 5, Garfield, NJ 07026 is hereby awarded a contract in the amount of \$1,150.00 monthly
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 119-16
Certification of Expenditure for Solid Waste Tax**

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Franklin Lakes that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2015 in the amount of \$11,849.16. Documentation supporting this submission is available at Borough Hall, 480 DeKorte Drive, Franklin Lakes, New Jersey and shall be maintained for no less than five years from this date.

TAX REIMBURSEMENT STATEMENT MUST BE CERTIFIED USING
MUNICIPAL SEAL

Resolution Number 120-16

**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 \$1,329,209.00;

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:

General Administration - Other Expenses	5,000.00
NJ DEP Fees & Permits	3,000.00

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 121-16

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 years 2013 & 2014, on Block 2101.13 Lot 16 whose property location is 883 Apache Road, homeowner Breslow, Loren M.,

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>
2101.13	16	\$ 86,400 (2013)	\$ 1,345.25
		\$ 136,400 (2014)	\$ 2,144.21
Total Refund			<u>\$ 3,489.46</u>

All checks made payable to:
Breslow, Loren M.
883 Apache Road
Franklin Lakes, NJ 07417

Resolution 122-16

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 2015, on Block 2303.01 Lot 3 whose property location is 732 High Woods Drive, tax payer Shmuel Farro,

WHEREAS, the tax payer Shmuel Farro requested that \$7,698.11 be applied to the 1Q 2016 delinquent taxes owed and the balance of \$1,720.00 be refunded to him,

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>
2303.01	3	\$ 589,000 (2015)	\$ 9,418.11
		Credit 1Q 2016 Delinquent Taxes	\$ 7,698.11
		Refund Tax Payer	<u>\$ 1,720.00</u>

All checks made payable to:
Shmuel Farro
56 Utter Avenue
Hawthorne, NJ 07506

Respectfully submitted,



Sally T. Bleeker, Borough Clerk