

MEETING OF THE MAYOR AND COUNCIL

April 19, 2016

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, April 19, 2016 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 Kahway, Councilmember Kelly, Council President 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

PROCLAMATION

Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and it is now observed throughout the nation and the world; and,

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and,

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and,

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community, and, wherever they are planted, are a source of joy and spiritual renewal, and,

WHEREAS, the Franklin Lakes Shade Tree Commission will officially plant many trees by the Fire House, Mc Bride Field and other places to commemorate Arbor Day,

NOW THEREFORE, I, FRANK BIVONA, Mayor of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, do hereby proclaim April 29, 2016, as Arbor Day in the Borough of Franklin Lakes, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed.

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Council President Lambrix to take up Ordinance 1669 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

ORDINANCE 1669

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Summary – This ordinance permits the Borough to establish a “CAP bank” for the unused portion of the 3.5% appropriations CAP.

WHEREAS, Ordinance 1669 was introduced at a meeting of the Mayor and Council held on the 15th 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 1669 be and the same is hereby adopted on second and final reading; and,

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

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

No one from the public came forward at this time.

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Ramsey. Discussion – none.

Roll Call Vote:

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

Motion made by Councilmember Swist to take up Ordinance 1670 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Cadicina. On voice vote, all in favor.

ORDINANCE 1670

AN ORDINANCE AMENDING SECTION 404-8 OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED “SOIL REMOVAL PERFORMANCE BOND”

Summary – This ordinance requires property owners to claim soil removal performance bonds within a specified period of time.

WHEREAS, Ordinance 1670 was introduced at a meeting of the Mayor and Council held on the 15th 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 1670 be and the same is hereby adopted on second and final reading; and,

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

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Ramsey. Discussion – none.

Roll Call Vote:

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

Motion to Table Ordinance 1671 was made by Councilmember Cadicina, seconded by Councilmember Kahwaty.

ORDINANCE 1671

AN ORDINANCE SUPPLEMENTING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT RENTAL OF CERTAIN DWELLING UNITS

Summary – This ordinance prohibits rental of residential dwelling units.

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1672 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

ORDINANCE 1672

AN ORDINANCE AMENDING CHAPTER 247 “FEES” AND CHAPTER 347 “PARKING” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE CERTAIN FEES

Summary – This ordinance amends fees for VFW parking and copies of DVDs, and establishes fee for copy of flash drive.

WHEREAS, Ordinance 1672 was introduced at a meeting of the Mayor and Council held on the 15th 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 1672 be and the same is hereby adopted on second and final reading; and,

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

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Motion made by Councilmember Kahwaty to take up Ordinance 1673 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council Cadicina. On voice vote, all in favor.

ORDINANCE 1673

AN ORDINANCE SUPPLEMENTING CHAPTER 373 “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REQUIRE CLEARING OF SNOW AROUND HYDRANTS

Summary – This ordinance amends existing requirements for clearing of snow around hydrants to be consistent with enabling statute.

WHEREAS, Ordinance 1673 was introduced at a meeting of the Mayor and Council held on the 15th 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 1673 be and the same is hereby adopted on second and final reading; and,

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

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Motion made by Council President Lambrix to take up Ordinance 1674 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

ORDINANCE 1674

AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2016

Summary – This ordinance establishes salaries for Borough employees for 2016.

WHEREAS, Ordinance 1674 was introduced at a meeting of the Mayor and Council held on the 15th 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 1674 be and the same is hereby adopted on second and final reading; and,

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

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

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

No one from the public came forward at this time.

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

PUBLIC HEARING ADOPTION OF THE 2016 MUNICIPAL BUDGET

Budget Presentation

At this time, Borough Administrator, Greg Hart, came forward and gave a power point presentation on the 2016 Municipal Budget.

Public Hearing

Motion to open the time for public comment on the 2016 Municipal Budget was made by Councilmember Kelly, seconded by Council President Lambrix. On voice vote, all in favor.

No one from the public came forward at this time.

Motion to close the time for public comment on the 2016 Municipal Budget was made by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution 124-16 Adopting the 2016 Municipal Budget

- Attached to the end of the minutes -

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

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Resolution 125-16

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 resolutions can be found after the Adjournment.

- Resolution 126-16 Accept Report of the Finance Committee
- Resolution 127-16 Amend Fire Department By-Laws
- Resolution 128-16 Amend Personnel Policies
- Resolution 129-16 Approve Mayor and Council 2016 Goals
- Resolution 130-16 Award Contract – Knox Box
- Resolution 131-16 Award State Contract – Lease of Copiers
- Resolution 132-16 Recreational Trails Grant Application – Old Mill Woodlands
- Resolution 133-16 Safe Routes to Schools Application
- Resolution 134-16 Stipulation of Settlement – Turi
- Resolution 135-16 Award Contract – IT Consultant

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 Ramsey and seconded by Councilmember Kelly:

- February 2, 2016 Closed
- February 18, 2016 Special
- March 1, 2016 Worksession
- March 1, 2016 Closed
- March 2, 2016 Special
- March 7, 2016 Special
- March 15, 2015 Regular
- March 15, 2016 Closed

Roll Call Vote:

Ayes: Cadicina (with exceptions), Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain: Cadicina – February 18, 2016 Special;

Absent:

Motion Approved.

OLD BUSINESS

There was no Old Business to discuss at this time.

NEW BUSINESS

Memorial Day Celebration

Mayor Bivona mentioned that there will be no Memorial Day parade this year. Event planner, Mary Ellen Marra will coordinate a Memorial Day service and breakfast. The ceremony and breakfast will take place Monday, May 30th at 9:30 a.m. The Garden Club will also plant flowers.

Interviews

Mr. Hart reported that interviews for Police Lieutenant have taken place. The Committee will make a recommendation on May 3rd.

VFW Building

Councilmember Cadicina reported that he, Councilmember Swist and Councilmember Kahwaty attended two meetings at the VFW to discuss options for the building.

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 19, 2016 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Police New Hires
- Pending Litigation – PBA Grievance

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 at 8:15 PM by Council President Lambrix, seconded by Councilmember Cadicina. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made at 8:25 PM by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution 126-16 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 \$217,288.36 as shown on the Claims Bill List; \$8,331.00 as shown on the Soil Account Bill List and \$552.00 as shown on the Developers Escrow List.

Resolution 127-16 Amend Fire Department By-Laws

WHEREAS, Borough Code Section 42-13 provides that amendments to the Constitution and By-Laws of the Borough of Franklin Lakes Fire Department, Inc., must be approved by the Mayor and Council; and,

WHEREAS, the Borough of Franklin Lakes Fire Department, Inc. has submitted the following proposed amendments to its Constitution to the Mayor and Council for approval:

- Section 6 -- Chief is hereby amended to read as follows:

The Chief shall have complete charge of all fire equipment and members of the Department at all fires, drills and official firematic functions. The Chief shall be responsible for the proper care and condition of all fire equipment at all times. The Chief shall either by himself or through a designee record attendance at all fires, drills and firematic functions. The Chief shall maintain and publish monthly attendance records of the membership. The Chief shall appoint Engineers and Drivers as may be deemed necessary for the orderly operation of the Department. Further, a Chief shall be limited to a maximum of six consecutive terms of office and can only then be re-elected to the office after a lapse of one full year.

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 proposed amendments to the Constitution of the Borough of Franklin Lakes Fire Department, Inc., be and are hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Borough of Franklin Lakes Fire Department, Inc

Resolution 128-16 Amend Personnel Policies

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, that paragraph 3 “Anti-Discrimination Policy” of the Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

3) ***Anti-Discrimination Policy.***

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, pregnancy, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Administrator, or the Labor Attorney.

BE IT FURTHER RESOLVED that paragraph 4 “Americans with Disabilities Act Policy” of the Personnel Policies and Procedures Manual and the Employee Handbook is hereby renamed “Americans with Disabilities Act Policy/New Jersey Pregnant Worker’s Fairness Act” and is hereby amended to read as follows:

4) ***Americans with Disabilities Act Policy/New Jersey Pregnant Worker’s Fairness Act.***

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough does not discriminate based on disability, pregnancy, including

pregnancy related medical condition, or childbirth,. The Borough will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the ADA Amendments. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose under hardship on the Borough.

The Borough Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations, or their respective physicians. All decisions with regard to reasonable accommodation shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.

BE IT FURTHER RESOLVED that paragraph 30 “Communications Media Policy” of the Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

30) ***Communications Media Policy.***

The Borough’s Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, “Communication Media” includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, databases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough’s servers, workstations, routers, gateways, bridges, hubs, switches and other hardware components of the Borough’s local or wide-area networks.”

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough’s Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough’s Communication Media. By using the Borough’s equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough’s ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his or her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for all Borough business and correspondence.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, pregnancy or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or modify any hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough Administrator. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Only those employees directly authorized by the Borough Administrator may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

Because authorized postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Borough Administrator) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

Employees that choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough; as such, no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough's mission or undermine the public trust, or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

BE IT FURTHER RESOLVED that the Personnel Policies and Procedures Manual and the Employee Handbook are hereby supplemented by the addition of the following:

31A) *Employee Dating Policy.*

The Borough recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the Borough also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to either their immediate supervisor or the Borough Administrator.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations. Nothing in this policy alters an employee's at will status.

BE IT FURTHER RESOLVED that paragraph 51 "Employment Procedure" of the Personnel Policies and Procedures Manual is hereby amended to read as follows:

51) *Employment Procedure.*

- **Recruitment.** The Borough Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Borough will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Borough Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and are to be maintained by the Borough Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- **Job Offers:** The final decision will be made by the Mayor and Council after references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

- **Acceptances and Rejections:** If the first offer is rejected, the Mayor and Council will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to every employee.
Resolution 129-16 Approve Mayor and Council 2016 Goals

WHEREAS, the Mayor and Council are desirous of establishing goals and objectives for the Borough for 2016;

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 "2016 Mayor and Council Goals and Objectives" dated April 5, 2016 be and are hereby approved.

Resolution 130-16 Award Contract – Knox Box

WHEREAS, the Franklin Lakes Fire Chief received three proposals for security boxes; and,

WHEREAS, the Fire Chief Ryan Dodd has reviewed the proposals and is recommending that the contract be awarded to Knox Company, Inc., 1601 W. Deer Valley Road, Valley Road, Phoenix, Arizona 85027, for the reasons stated in his memo dated March 22, 2016;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the recommendation of the Fire Chief is approved and the contract for security boxes be and is hereby awarded to Knox Company, Inc., for the proposal amount of \$7,069; and,

BE IT FINALLY RESOLVED that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract.

Resolution 131-16 Award State Contract – Lease of Copiers

WHEREAS, the Borough of Franklin Lakes wishes to lease copiers for the Municipal Clerk's Office, Planning Board Office and Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, N.J.S.A 40A:11-12(a) provides that local contracting units may purchase goods and services under a State Contract, without advertising for bids; and,

WHEREAS, Ricoh USA, 5 Dedrick Place, West Caldwell, NJ 07006 has been awarded New Jersey State contract number 404671- G-2075; and,

WHEREAS, the Borough Clerk solicited multiple proposals for the leasing of the copiers and recommends that the contract be awarded to Ricoh USA under its State contract; and,

WHEREAS, the cost for the 48 month lease of three copiers is \$855.75 per month; and

WHEREAS, N.J.S.A. 40A:11-15(7) provides that the duration of contracts for the leasing of equipment may be for a period not to exceed five years; and,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the contract for the leasing of the three copiers be and is hereby awarded to Ricoh USA, for the State contract cost of \$855.75 per month, for 48 months, for a total cost of \$41,076, subject to the appropriation of funds in each year's municipal budget; and,

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified the availability of funds for 2016 for the cost of the copier lease.

Resolution 132-16 Recreational Trails Grant Application – Old Mill Woodlands

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, that application be made to the New Jersey Division of Environmental Protection, Green Acres Program, for grant funding under the 2016 Recreational Trails Grant Program for an extension of the Old Mill Woodlands Primitive Trail Network; and,

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to submit the application and necessary supporting documentation on behalf of the Borough of Franklin Lakes for the aforesaid grant application; and,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Department of Environmental Protection, Green Acres Program, and the Chief Financial Officer.

Resolution 133-16 Safe Routes to Schools Application

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) Safe Routes to Schools program 2016

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 134-16 Stipulation of Settlement – Turi

Block: 2101.08
Lot: 12
Street Address: 991 Scioto Drive
Owner: Turi, Leonard and Zaneta

WHEREAS, an appeal of the tax assessment for the year 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 will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments/this adjustment.

Tax Year: 2015

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 568,700	\$ 568,700
Improvements	\$3,031,300	\$2,531,300
Total	\$3,600,000	\$3,100,000

Resolution 135-16 Award Contract – IT Consultant

WHEREAS, the Borough Administrator solicited proposals for a service contract to support the Borough’s information technology systems; and

WHEREAS, five proposals were submitted in response to the request for proposals; and,

WHEREAS, the Borough Administrator recommends that the service contract to support the Borough’s information technology systems be awarded to All In One Computers, Inc., 46 Davenport Road, Montville, New Jersey, based on price and the Borough’s satisfactory experience with this vendor, in accordance with the April 14, 2016 proposal;

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 service contract to support the Borough’s information technology systems be and is hereby awarded to All In One Computers, Inc., in accordance with the April 14, 2016 proposal, for a period of two years, with the Borough’s option to extend the contract for two additional one year extensions; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to All In One Computers, Inc.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk