

**MEETING OF THE MAYOR AND COUNCIL
MAY 3, 2016
7:30 P.M.**

A regular meeting of the Mayor and Council was held on May 3, 2016, in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professionals responded to the roll call: Mayor Bivona, Councilperson Cadicina, Councilperson Kahwaty, Councilperson Kelly, Council President Lambrix, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilperson Ramsey was absent this evening.

SUNSHINE LAW STATEMENT

The Borough Clerk read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

OPEN TIME FOR PUBLIC COMMENT

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

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

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Council President Lambrix to take up Ordinance 1675 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilperson Cadicina.

**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**

Summary – This ordinance would permit child care centers in the OB-RL District without limiting use to employees, thereby allowing children from the community at the child care center on the property being acquired by the Borough.

WHEREAS, Ordinance 1675 was introduced at a meeting of the Mayor and Council held on the 5th day of April, 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 1675 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 Councilperson Kahwaty, seconded by Council President Lambrix. Discussion - Mayor Bivona stated that once the deal with Express Scripts has been executed, this ordinance allows the bid winners to operate the child care center, which will include children other than those of Scripts employees.

During their review of the ordinance, the Planning Board pointed out that this opens up the possibility that another child care facility could open on the property. This facility would be in direct competition with the Borough facility. Mayor Bivona said that this would be extremely unlikely, but that would be permissible. Mr. Hart suggested that the Planning Board consider establishing a municipal zone for all Borough owned properties. Mr. Smith agreed stating that the next time there is a Master Plan review a municipal zone should be created and all property owned by the municipality would be placed in that zone or rezoned.

No one from the public came forward to comment.

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

Roll Call Vote

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

BOROUGH ENGINEER'S REPORT

Mr. Boswell reported on the sink hole at the corner of Mabel Anne Avenue and Pulis Road. Repairs to the sink hole were completed last week and it is being watched to ensure there is no more settlement before paving is scheduled at the end of the month. Mr. Boswell stated that the Pre Construction Meeting for the 2016 Road Improvement Program has been scheduled with Crossroads Construction.

Mr. Boswell referred to Huron Road and Old Mill Road and stated that the New Jersey Department of Transportation (NJDOT) has granted the Borough \$155,500 for road improvements. He expects to have the authorization to bid in a week to ten days and will put the job out for bid at that time. If bids are received at the end of May, he hopes there could be an award of bid in June, with work completed in August or September.

Mr. Boswell said that he had minor comments on the meets and bounds at the Express Scripts property, and these changes are being made. The property is well taken care of and the dams are in good condition. Mayor Bivona said that he noticed some damage at the lower dam. Mr. Boswell said that this is an easy repair and dam safety is not involved. He added that the care taker sent him information on the irrigation system which included information on a well. He commented that a lot of money was invested in the infrastructure on this property.

Mr. Boswell addressed the Kayal property, and explained that there is a storm drain coming off of Dogwood Road consisting of corrugated metal pipe. The drain enters the Kayal property and runs diagonally off of the property to the neighboring property, where it goes into a headwall and then into Upper Lake. Upper Lake has a dam across it with a pipe that is deliberately plugged and flows into Lower Lake. Lower Lake has no outlet. The pipe that accommodates road drainage on Dogwood Road, which traverses the Kayal property has structural problems. Mr. Boswell spoke to Dr. Kayal about repairs to the pipe and he has offered to make a contribution for the town to do the repairs. Mr. Boswell suggested an amount of \$8,000 for repairs to the pipe, which would restore the passageway. Dr. Kayal discussed dredging Upper Lake. Mr. Boswell provided him with details on how Lower Lake was dredged, including facilitating the required soil moving permits for the DEP and the County. Mr. Boswell stated that this would be a private dredging operation. Dr. Kayal has a representative, and Mr. Boswell advised that in this case it might be best to stay out of it. Mr. Boswell gave Dr. Kayal the names of some engineers who are capable of securing the permits as well as contractors. Dr. Kayal may be the catalyst to get this dredging done and there could be quite an improvement in the aesthetics and water quality in this area when this work is completed. This is a privately owned lake and this is an area where the Borough has always had a hands off approach.

Mr. Boswell said that the Borough has a drainage easement. Mayor Bivona said that Dr. Kayal wants to install a fence, which would prohibit access by the Borough to the pipe; however, a Hold Harmless Agreement that would allow him to go forward with the fence. Councilperson Kahwaty recalled that there was a tie vote at the Planning Board concerning this fence. Dr. Kayal's attorney said that the tie vote was an approval, and in this case, the Planning Board did not make a recommendation to the Mayor and Council. Mr. Smith said that the request for the fence was not approved because of the other issue with the pipe. Since Dr. Kayal is now assisting with the pipe repair there is no reason not to allow him to install the fence. Mr. Smith said he would prepare a Hold Harmless Agreement. Mr. Boswell stated that Dr. Kayal will have to convince the other home owners on Upper Lake to be parties included in the dredging application. Mr. Boswell stated that he would continue to follow up with Mosquito Control in an attempt to get the work at Kings Pond scheduled.

**RESOLUTION 136-16
CONSENT AGENDA**

BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Franklin Lakes. Full text of all consent agenda resolution can be found after the Adjournment.

- Resolution 137-16 Accept Report of the Finance Committee
- Resolution 138-16 Agreement – Bergen County Firefighting Foam
- Resolution 139-16 Authorize Bid – Huron Road and Old Mill Road Improvements
- Resolution 140-16 Award Contract – Fire Department Defibrillators
- Resolution 141-16 Award Contract – Zoning Manager and Property Maintenance Manager Software
- Resolution 142-16 Chapter 159 – 2015 Year End Drive Sober or Get Pulled Over
- Resolution 143-16 Tax Refund – University Heights

Resolution introduced by Council President Lambrix. Seconded by Councilperson Swist.

Roll Call Vote

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

RESOLUTIONS

**Resolution 144-16
Approve Amendment – Collective Bargaining AFSCME Agreement**

WHEREAS, by resolution adopted on December 15, 2015, the Mayor and Council of the Borough of Franklin Lakes approved a Collective Bargaining Agreement between the Borough of Franklin Lakes and the American Federation of State, County, Municipal Employees AFL-CIO Local 2274B; and,

WHEREAS, Schedule “A” annexed to said Collective Bargaining Agreement, contained certain errors and did not include subsequently negotiated salary adjustments for certain positions;

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 Schedule “A” to the Agreement between the Borough of Franklin Lakes and the American Federation of State, County, Municipal Employees AFL-CIO Local 2274B, as amended through April 20, 2016, is hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the American Federation of State, County, Municipal Employees AFL-CIO Local 2274B.

The Resolution was read in full by Mayor Bivona. Councilperson Kahwaty made a motion to approve the resolution. Councilperson Kelly seconded the motion. Discussion – Mr. Hart stated that two employees received enhanced salary increases of 5%. This decision was made after the AFSCME agreement was entered into. There were two other errors because the salary schedule hadn't been updated to reflect the new salaries. These salaries required adjustment in the AFSCME contract and the changes have been approved by AFSCME.

Roll Call Vote

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

Resolution 145-16
Award Contract – Bobcat Planer and Water Kit

WHEREAS, the Borough of Franklin Lakes, pursuant to N.J.S.A. 40A:11-11(5) and N.J.A.C. 5:34-7.1, et seq., may by resolution and without advertising for bids, purchase any good or services under the Bergen County Cooperative Pricing System, of which the Borough is a member; and,

WHEREAS, the Borough of Franklin Lakes is a member of the Bergen County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and,

WHEREAS, the Borough of Franklin Lakes intends to enter into contracts with the following County contract vendor through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current County contracts:

Description – Bobcat 24” Planer, High Flow, and Quick-Tech Water Kit
County Contract No. 14-29
Vendor – North Jersey Bobcat, Inc., 201 Maltese Drive, Totowa, New Jersey 07512
Contract expiration – May 6, 2016
Contract amount - \$18,528 (\$16,488 plus \$2,040)

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin Lakes and County of Bergen, authorizes the purchase of a planer and water kit from North Jersey Bobcat, Inc., for the contract amount of \$18,528, subject to all of the conditions of the County contract; and,

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 5:30-5.5(b), the certification of funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Superintendent of Public Works and the Chief Financial Officer.

The Resolution was read in full by Councilperson Kahwaty. Councilperson Cadicina seconded the motion. Discussion – Mr. Hart explained that this item was part of the operating budget for the DPW. It is being put through tonight because the County contract expires on May 6th. This is an attachment that helps with milling out around potholes.

Roll Call Vote

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

MAYOR'S REPORT

Mayor Bivona referred to flyers that have been circulating and he asked everyone to disregard this information because he is not endorsing anyone in any political races.

Mayor Bivona said that the Borough will close on the Scripts property at the end of May. He spoke to Tom DePiero, Facilities Manager, about a ceremony in early June, which will emphasize some sort of wellness component. Mayor Bivona felt that it is important to highlight to Scripts that this is a great opportunity for the Borough, and to announce the opening of Parsons Pond Park.

Mayor Bivona said that he visited Northwest Bergen County Sewer Authority (BCUA) along with Mr. Hart and Mr. Boswell to explore opportunities for creative thinking on their part to make sewer hook-ups more attractive in those areas where this is a possibility. Unfortunately when people realize the price to hook up to the sewers they lose interest. The sewer systems become more efficient when there are more properties involved, and it also helps rate payers. Mayor Bivona said that BCUA realizes that there is a problem and they have agreed to look at different ways to share the load.

Mayor Bivona said that there is excessive speeding on Navaho Trail and digital signs have been posted that clocks and displays the speed at which the car is travelling. He noted that speeding is a problem throughout the Borough and he will speak to the Police Chief about investing in more of these signs, which can be moved throughout the Borough.

Mayor Bivona announced that with the help of the Municipal Alliance and the Board of Health there is a final draft of the drug mailer that will go out next week to all homes in the Borough.

COMMITTEE/LIAISON REPORTS

PUBLIC WORKS

Councilperson Swist reported that the replacement of the bus shelter at the bus stop on Bender Court is complete except for the painting. Trees are being planted on Pulis Avenue. An additional picnic table will be installed at the Bocce Court thanks to Clean Communities funding. Mr. Hart stated that the Borough plans to hire five people in the DPW including seasonal employees.

ENVIRONMENTAL AND COMMUNITY AFFAIRS

Mr. Hart reported that Clean-Up Day and the film festival were both a success.

Mayor Bivona announced that there is a singer lined up for the Memorial Day celebration on May 30th and Frank Crotty has agreed to speak. Mary Ellen Mara will coordinate the breakfast and ceremony.

- **VFW Building**

Councilperson Kahwaty stated that he met several times with Councilmembers Swist and Cadicina as well as Mr. Hart to discuss the reconfiguration of the VFW building. They discussed the use of the building by Emergency Services and/or the Recreation Department. Councilperson Kahwaty also spoke with the Chairman of the Planning

Board, Kim Verheilig, who appeared to be willing to volunteer her time and architectural skills along with Craig Goldman to work on a design for the building.

Mr. Hart said that the consensus was that the building should be used for emergency management purposes. The Office of Emergency Management (OEM) needs a secure meeting room with office space and space for equipment. The other main room would still be usable as a meeting space.

- **Tree Removal Permit – Kearney**

Mayor Bivona recused himself from the discussion. Councilperson Lambrix said that the permit has been recommended and this will be listed for the next meeting.

RECREATION AND PARKS

Councilperson Kelly stated that guardian caps have been purchased to be placed on the outside of helmets. This device has been proven to reduce concussions and head injuries. The caps can fit any helmet and can be used for football and lacrosse. These caps are not yet approved for use in actual football games. Councilperson Kelly reported that a positive new seminar has been scheduled for coaches. This tutorial program will help coaches be more proficient with players and parents, and this will be a worthwhile and ongoing program for all coaches which is sorely needed. Councilperson Kelly announced that there have been over 600 registrations for softball and lacrosse, and it appears that the loss of participants is being recouped. He referred to the Opening Day for baseball at Pulis Field; he stated that the event was well received.

- **Golf Program**

Mr. Hart said that a golf program is being discussed at the Recreation Committee level and will come back to the Mayor and Council for approval.

- **Chewing Tobacco Ordinance**

Mayor Bivona said that chewing tobacco is being used increasingly among young athletes especially in High School. Mr. Hart suggested that a deterrent could be included in the ordinance that prohibits tobacco use. Councilperson Swist said that the focus should be on education. Mayor Bivona asked Councilperson Kelly to bring this to the Recreation Committee and ask them to work with coaches to raise awareness of the dangers of using chewing tobacco. Councilperson Kelly indicated he would do this and report back to the Mayor and Council.

- **Facilities Use Request – Drew Gibbs Camp**
- **Facilities Use Request – Woodside Avenue School PTA**
- **Facilities Use Request – Becton Dickinson Soccer**

There were no comments and these requests will be on the regular meeting agenda.

- **Renaming of Express Scripts Parkland - Parsons Pond Park**

Mayor Bivona said that the Scripts property is located on Parsons Pond Drive and Parsons Pond is also located there. These are the reasons for naming the park Parsons Pond Park. Councilmembers agreed with the name and the resolution will be listed for the next meeting.

Mayor Bivona reminded everyone that on Mondays at 1:00 P.M., the seniors are playing bocce.

PLANNING AND DEVELOPMENT

- **Kayal Fence – Hold Harmless Agreement**

Councilmembers were in agreement to allow Dr. Kayal to install the fence and execute a Hold Harmless Agreement.

- **Amend Fees – Borough Sponsored Events**

Councilperson Kahwaty explained that Borough permit fees will be reduced for non-profit entities such as temporary health, food and electrical license fees. Mayor Bivona stated that rides, food and a car show are proposed for the Friday evening before the Town Fair. There will be more food trucks on Saturday. Ms. Mara indicated that it is difficult to get food trucks into Franklin Lakes because of the permit fees, which in some cases were as high as \$400. Mayor Bivona said that lowering the fees should attract more food trucks and vendors. It could be promoted as a Town Fair and Food Festival. Mayor Bivona noted that the plan is to cut back on booths. Stage entertainment can take place in the street, and the Borough will save money if the stage is eliminated.

- **HVAC Restrictions Ordinance**

Councilperson Kahwaty said that there is a restriction on HVAC units, which can only be located at the rear of the dwelling. The Planning Board indicated that due to some existing mechanical codes accessory structures can be as close as 5 feet to the home. Mr. Smith pointed out that aesthetics must be considered. He stated that eliminating the 5 foot or 10 foot restriction on HVAC units or generators was intended to cover structures not air conditioning units or generators. He said that these units must comply with code provisions and the Borough should not be concerned with the location of these items. An accessory structure which could mean a shed or a garage would continue to be required to be 10 feet from the dwelling. This ordinance will be listed on the agenda for the next meeting.

PUBLIC SAFETY AND LIBRARY

- **Drones Ordinance**

Councilperson Kahwaty pointed out that any ordinance passed could shortly be preempted by the FAA and the federal government. Mayor Bivona said that he is concerned with the violation of privacy. Drones are often flown in parklands and the drones are large machines that could harm people in the parks. This is both a privacy issue and a safety issue and Mayor Bivona asked the Council to consider the banning and prohibition of drones or other unmanned aircraft from public property.

Mayor Bivona and other Councilmembers indicated that they thought the sample ordinance from Allendale was quite thorough. Mr. Hart said he would draft an ordinance based on the Allendale ordinance. Councilperson Swist agreed that they need to be proactive because this is a safety issue. Council President Lambrix noted that drones are totally unregulated and Councilmembers agreed to draft an ordinance.

ADMINISTRATION AND FINANCE

- **Press Releases and Departmental Directive Policy**

Council President Lambrix met with Mr. Hart and reviewed the policy and procedures on press releases and departmental directives. Mr. Hart stated that there is an executive order for police dealing with criminal investigations, which was cross referenced and there was a discussion about having the Police Chief review and authorize press releases. They felt that it was better to have the Police Chief review press releases on police matters. Mr. Hart, Councilperson Cadicina and Council President Lambrix discussed departmental policy directives and their definitions. An exception was created on daily directives that would not need to be submitted or approved. This will simplify the process of issuing press releases and official press releases will continue to be issued out of the Borough Administrator's office, which is the existing process. Mr. Hart said that this will be listed on the May 17th agenda.

Mr. Hart reported that the Administration and Finance Committee met to discuss the language used relative to suspension and discharge of Borough employees. The provisions in the Borough code are not consistent with the provisions in the personnel Policies and Procedures Manual which needs to be amended. They have received comments from the Labor attorney, and revisions for clarification purposes will be listed for discussion at the next meeting.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart said he had nothing additional to add and there were no questions from Councilmembers.

OLD BUSINESS

Council President Lambrix referred to the Recreation and Parks Strategic Plan, which had been discussed at a previous meeting. He asked for a time line of when this process would be moving forward. Mr. Hart recalled that he had requested a monthly report. Council President Lambrix said that they need information on what is to be accomplished and when to expect those results. Council President Lambrix said he realizes that this is a lot of work and Mr. Hart suggested meeting with Jason Robinson periodically. Mayor Bivona said that the Recreation Committee should be included and Councilperson Kelly indicated that he would follow up with this as well.

NEW BUSINESS

There was no new business this evening.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1676 for Introduction and direct the Borough Clerk to read by title was made by Council President Lambrix, seconded by Councilperson Cadicina.

Borough Clerk read the Ordinance by title only.

ORDINANCE 1676

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE OF VARIOUS ITEMS AND CERTAIN CAPITAL IMPROVEMENTS, AND APPROPRIATING \$310,000.00 FOR SAID PURCHASES AND IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY

WHEREAS, Ordinance 1676 was introduced at a meeting of the Mayor and Council held on the 3rd day of May 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 1676 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 17th 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 1676; 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 Council President Lambrix, seconded by Councilperson Cadicina. Discussion – Mr. Hart explained that the resolution encompasses \$155,000 in grant money for Huron Road and Old Mill Road as well as \$25,000 in additional costs for the Police Headquarter renovations. This work consists of wiring work, additional electrical service work, and soffit and fascia replacement work on the old building as well as additional IT work. This is emergency funding which will cover building renovations line items that are included in the capital budget. The work at Huron Road and Old Mill Road is consistent with the capital budget and does not include the grant of \$155,000. Mr. Hart reiterated that all of these expenditures are consistent with the capital budget.

Roll Call Vote

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

Move to take up consideration of Ordinance 1677 for Introduction and direct the Borough Clerk to read by title was made by Council President Lambrix, seconded by Councilperson Kelly.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1677

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1650 AND ORDINANCE NO. 1674 ESTABLISHING SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEARS 2015 AND 2016

WHEREAS, Ordinance 1677 was introduced at a meeting of the Mayor and Council held on the 3rd day of May 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 1677 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 17th 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 1677; 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 Council President Lambrix, seconded by Councilperson Kahwaty. Discussion – Mr. Hart said that there were errors in 2015 and 2016 Salary Ordinances. He explained that there was an ordinance at the end of 2015 setting the salaries for AFSCME employees. He inadvertently applied a 2 ½% increase to the employees who are on steps, when those employees were not supposed to get an increase. There was an error in the salary ordinance only and employees were not paid based on these amounts. Mr. Hart recalled the reference to the Board of Health secretary earlier in the meeting and said that this salary was based on the former employee’s salary and not the salary of the current employee.

Mr. Hart stated that Section II of the ordinance include corrections for the 2016 Salary Ordinance. The Tax Collector’s salary was not calculated correctly and this has been amended. The salaries for the Lieutenant have been discussed by the Mayor and Council

and set at \$146,000. The Mayor and Council decided to set the Captain's salary at \$156,000, which had been based on misinformation relative to the calculation of the Lieutenant's salary. The current Lieutenant's salary for 2016, including the Detective stipend is \$156,000. They had discussed a salary increase of \$3,000 for the new Captain, and Mr. Hart had recommended the salary of \$159,000.

Mr. Hart referred to Section III, which refers to the three AFSCME employees that Mr. Hart had noted in an earlier discussion. These salaries had to be adjusted to reflect a 5% increase for the technical assistant and Board of Health Secretary.

Mr. Hart said that this ordinance can be introduced and a decision could be made to amend the ordinance. If necessary after discussion in Closed Session a different approach could be taken.

Roll Call Vote

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Swist
Nays: None
Abstain: None
Absent: Ramsey
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, May 3, 2016 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Collective Bargaining – Lieutenants' Agreement
- Personnel – Captain's Letter Agreement
- Personnel – Police Promotions

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 9:15 P.M. was read by Councilperson Kahwaty, seconded by Councilperson Cadicina. On voice vote all in favor.

ADJOURNMENT

Motion by Councilperson Cadicina to adjourn the meeting at 9:35 P.M. Councilperson Kahwaty seconded the motion.

Roll Call Vote

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

Resolution 137-16

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 \$7,387,849.52 as shown on the Claims Bill List; \$11,707.60 as shown on the Soil Account Bill List and \$2,036.05 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of April 7, 2016 in the amount of \$195,618.92 and the payroll of April 21, 2016 in the amount of \$202,379.69 be hereby ratified and approved.

Resolution 138-16

Accepting Donation of Firefighting Foam and Authorizing Execution of Agreement with the County of Bergen Regarding the Terms Thereof.

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the “Institute”); and

WHEREAS, the New York City Fire Department (“FDNY”) has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, (“Firefighting Foam”) that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York (“the City”), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Franklin Lakes for training purposes, subject to availability and the terms set forth in an “AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE,” (the “Agreement”) annexed hereto as Exhibit A; and

WHEREAS, the governing body of the Borough of Franklin Lakes has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Franklin Lakes hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Mayor is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

Resolution 139-16

Authorize Advertisement for Bid – Huron Road and Old Mill Road Improvements

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator be authorized to advertise for bids for Huron Road and Old Mill Road Improvements.

Resolution 140-16

Award Contract – Fire Department AED’s

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for four (4) Powerheart G5 AED's for the Franklin Lakes Volunteer Fire Department; 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 Team Life, Inc.

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

1. Team Life, Inc. 291 Route 34, Suite B, Colts Neck, NJ 07722 is hereby awarded a contract in the amount of \$6,380.00
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 141-16

Award Contract – Zoning Manager and Property Maintenance Software

WHEREAS, N.J.S.A. 40A:11-5(1)(dd) provides that the Mayor and Council may award a contract for the provision of good for the support or maintenance of proprietary computer software without public advertising for bids; and,

WHEREAS, the Construction Official has recommended the purchase of two software modules, Zoning Manager and Property Maintenance Manager, for the Borough's existing proprietary software system from Mitchell Humphrey & Co., 1285 Fern Ridge Parkway, St. Louis, Missouri 63141-4402, for the proposal amount of \$8,000;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the recommendation of the Construction Official is approved and the contract for the purchase of the Zoning Manager and Property Maintenance Manager modules for the Borough's existing proprietary software be and is hereby awarded to Mitchell Humphrey & Co., for the proposal amount of \$8,000; 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 is a sufficient appropriation to fund the purchase 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 Mitchell Humphrey & Co., the Construction Official, and the Chief Financial Officer.

Resolution 142-16

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes has received a \$4,841.60, 2015 Drive Sober or Get Pulled Over Year End Holiday Grant and wishes to amend its 2016 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2016 Budget in the sum of \$4,841.60 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2015 Drive Sober or Get Pulled Over Year End	
Holiday Grant	\$4,841.60

BE IT FURTHER RESOLVED that a sum of \$4,841.60 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":	
Public and Private Programs Offset by Revenues:	
2015 Drive Sober or Get Pulled Over Year End	
Holiday Grant	\$4,841.60

BE IT FURTHER RESOLVED that the Chief Financial Officer will file this resolution and accompanying documents electronically with the Director of Local Government Services.

Resolution 143-16

WHEREAS, the property listed below filed an assessment appeal with the Tax Court of New Jersey and,

WHEREAS, on April 4, 2016, the Tax Court of New Jersey has removed the 2013 omitted assessment from the property and therefore the Borough of Franklin Lakes, has to refund the overpayment of 2013 omitted taxes which were paid in the year 2014 with interest from date of payment to date of refund, on Block 2514 Lot 1 whose property location is 100 Sterling Drive, tax payer University Heights LLC,

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>
2514	1	\$ 8,000,000 (2013)	\$ 124,560.00
		5% Interest for 541 Days	\$ 9,231.09
		(From 11/10/2014 to 5/4/2016)	
		Refund Tax Payer	<u>\$ 133,791.09</u>

All checks made payable to:
 Michael I. Schneck
 Trustee for University Heights LLC
 301 South Livingston Avenue, Suite 105
 Livingston, NJ 07039

Respectfully submitted,

Sally T. Bleeker

Sally T. Bleeker, Borough Clerk