

**MEETING OF THE MAYOR AND COUNCIL**  
**AUGUST 2, 2016**  
**7:30 P.M.**

A regular meeting of the Mayor and Council was held on August 2, 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 Lambrix, Councilperson Ramsey, Councilperson Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Councilman Kelly was absent this evening.

**SUNSHINE LAW STATEMENT**

The Borough Clerk read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**APPOINTMENT**

- **Keith Mistretta – Full Time Department of Public Works Laborer**
- **Sebastian Wolff – Full Time Department of Public Works Laborer**

Councilperson Kahwaty made a motion to appoint Keith Mistretta and Sebastian Wolff as full time employees of the Department of Public Works. Councilperson Cadicina seconded the motion.

Roll Call Vote

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

- **Patricia Trava – Community Liaison to the Municipal Alliance**

Councilperson Kahwaty made a motion to appoint Patricia Trava as the Community Liaison to the Municipal Alliance. Councilperson Swist seconded the motion.

Roll Call Vote

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

**OPEN TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilperson Cadicina. Councilperson Swist 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.

**BOROUGH ENGINEER’S REPORT**

Eileen Boland, of Boswell Engineering, stated that the Bergen County Mosquito Commission has started the dredging work on Kings Pond. Mayor Bivona said that he learned of pumping going on at Upper or Lower Lake. Ms. Boland said that a letter has been sent to the homeowner to find out what they are doing. Mayor Bivona had heard that one of the neighbors was considering dredging the pond and Ms. Boland indicated that she is not aware of anything going on.

Mayor Bivona stated that by Executive Order the Governor has decided not to fund the Trust Fund, which puts some of the Road Program in jeopardy. Ms. Boland said that as a result of this action the remainder of Huron Road and the guard rail portion of the work on Old Mill Road will be held up. Mayor Bivona stated that the residents on Huron Road will have to be notified that the road will not be paved because it is tied into the Trust Fund.

Mayor Bivona said that the County was supposed to pave their portion of Summit Avenue and repair the drainage problems. The lines have been painted on this pot-holed street, which would indicate that this work has stopped also due to the issue with the Trust Fund. He asked Ms. Boland to contact the County and find out if they will be fixing the pot holes on Summit Avenue.

**RESOLUTION 219-16  
CONSENT AGENDA RESOLUTION**

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

- Resolution 220-16     Accept Report of the Finance Committee
- Resolution 221-16    Change Order No. 7 – Police Headquarters
- Resolution 222-16    Redeem Tax Lien Certificate – 579 Colonial Road

Resolution introduced by Councilperson Kahwaty.    Seconded by Councilperson Cadicina.

Roll Call Vote

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

**MAYOR’S REPORT**

Mayor Bivona stated the Planning Board has held several Special Meetings concerning the Gabrellian Shopping Center. Last Wednesday, the Planning Board approved the site plan for the new building on the site, which had been leveled. He recalled that the Mayor and Council worked on an ordinance relative to this site and a lot of work went into this on the part of the Borough Planner. The result was a plan requiring no variances and Mayor Bivona said he hopes construction will begin this year. It is in the Borough’s best interests to move this work along so that a shopping center will be operational as soon as possible.

Mayor Bivona said that they are fortunate to have someone who is interested in investing in the Borough and takes architectural style into account. This project will be an upgrade to the downtown area and will be beneficial to the residents. It will bring retail and activity back and the town is fortunate to have business people who want to invest here.

Councilperson Kahwaty said that this is one of several major projects that has occurred in Franklin Lakes over the past few years that will have a positive effect for many years to come. This is a great step forward which has been bolstered by the addition of sewers in the downtown corridor.

Mayor Bivona stated that he hopes to have the Developers Agreement listed on the August 16<sup>th</sup> meeting.

Mayor Bivona thanked Mr. Hart, Mr. Wittekind, Construction Official and Diane Samimi, Construction Office Assistant for compiling a list of at least sixty-one nuisance and foreclosed homes. They now have the ability to track and follow up with these properties.

## **COMMITTEE/LIAISON REPORTS**

### **PUBLIC WORKS**

Councilperson Cadicina stated that the Crack and Seal program is up and running including the filling of potholes and the installation of large patches of asphalt. The DPW is fully staffed for the summer and they hope to add another permanent, part time employee.

Mr. Hart noted that the DPW has completed the project on McBride Field, which includes plantings, rocks, irrigation, and mulching at the Circle. They will install a sign at the Circle at McBride Field. He distributed a concept plan that is consistent with the other park signs identifying Borough parks.

Mr. Hart stated that they have received a proposal for the renovation of the dais upstairs. He sent an email inviting anyone who would like to attend the meeting to review this proposal and let him know if they are attending. He recalled that the architect's fee for providing this study was included in the budget. The money for this project hasn't been appropriated yet and they could wait until next year to do the work. Input is needed from the Court to address security issues. Councilperson Swist volunteered to help with this and Mr. Hart will schedule a meeting.

- **Tilson Verizon Wireless – Small Antenna**

Mr. Hart stated that Tilson sent an email with various locations for the small antenna they intend to install on behalf of Verizon Wireless. Mayor Bivona said he would like to avoid placement of the antenna on private property. Mauricio Barragan, 670 Ward Avenue, Westwood, a representative of Tilson, introduced himself, and proposed a new utility pole to be located across from a PSE&G pole. Two other locations were proposed including at the rear of McBride field and another on a right of way close to the Market Basket. After a short discussion, Mayor Bivona felt the best location would be on the parking lot side near the Bocce court. Councilmembers agreed and the next step is an agreement. The applicant will reimburse the Borough Attorney's charge for review of the agreement from Tilson.

- **PSE&G Direct Install Projects**

Mr. Hart said that PSE&G is working on energy efficiency improvements and are paying 70% of the cost with 30% to be covered by the Borough. The total of these projects exceeds \$100,000 with a 20 month payback. This project is comprised of lighting upgrades, which have already been completed at the Ambulance Corps and DeKorte firehouse. Work at the Police Department is scheduled for next week. This is another step towards energy efficiency and aids with Sustainable New Jersey. Mr. Hart recalled that energy audits were done on all Borough buildings as part of this project.

- **Tree Removal Permit - Hegarty**

Councilperson Swist noted the tree removal permit for Hegarty, which will be listed on the August 16<sup>th</sup> agenda.

Councilperson Swist stated that there is a letter and form in support of a donation relative to Memorial Park. As previously stated, the Memorial Trust Fund needs to be replenished and she recommended keeping it simple by sending an email to residents asking for their donations. Mr. Hart said that checks can be given to himself, Lenore or Lynette.

Councilperson Swist was contacted by Olivia Voellmicke, President of the Board of Health who is preparing for a speaker from the Bergen County Health Department to appear at a program for Seniors on September 21<sup>st</sup>. The topic is the Misuse of Medications.

Councilperson Swist reported that the agreement has been signed for the collection of books at the Recycling Center. Mr. Hart said that the program will begin soon. There has been a noticeable decrease in the number of residents who complain because their recycling and garbage isn't being picked up and a small increase in recycling questions.

Councilperson Swist reported that a sign will be installed shortly at McBride Field noting that this is the future site of the Franklin Lakes Community Garden.

There was a discussion of the anti-littering campaign. Mr. Hart said there have been several meetings to discuss the frequent littering on the ballfields. The campaign to deter littering involves signage and flyers. There are red stop signs in the parks that read "Stop Littering" and "Franklin Lakes is Picking Up". The flyers look like the signs with a message to keep Franklin Lakes Beautiful. A comprehensive plan has been developed in conjunction with the schools, the sports coaches and the community as a whole. Mr. Hart said that the plan is to work with the schools on a logo contest for anti-littering in graphic design classes. There is also a plan to work with the supermarkets to allow stickers with the logo to be placed on bags.

Mr. Hart said he isn't sure how effective the signs will be. Councilperson Swist said that signs would be more effective on the fields where the Borough is in control. Councilperson Ramsey stated that litter is particularly problematic on the ramps onto and off of the highways.

## **RECREATION AND PARKS**

Mayor Bivona announced upcoming community events. Minions will be shown as part of the Movie under the Stars Series scheduled for August 24th at Parsons Pond Park. On August 27<sup>th</sup> there will be Kayak and Paddle Races for all age groups at the Franklin Lakes Nature Preserve sponsored by Ramsey Outdoor Store.

Mr. Hart recalled that they discussed a Strategic Plan for Recreational Facilities. He is trying to put together a meeting with several representatives from the Recreation Department, the Environmental Committee, Shade Tree Commission, the Mayor and Council and several residents. This meeting should focus on the issues that need to be looked at within the next five years regarding the recreational facilities with emphasis on Parsons Pond Park. Any objectives need to fit into the existing capital budget plan and or the operating budget. Issues such as field options and whether or not field usage should be rotated in order to rest fields along with trails will be discussed. Mayor Bivona suggested a structured meeting and he thought that more than one meeting will be needed to be followed by recommendations to the Mayor and Council. This could spur further discussions of the Open Space Plan with the Borough Planner.

## **PLANNING AND DEVELOPMENT**

- **Vacation of Court Street**

Councilperson Kahwaty stated that documents have been prepared by Mr. Smith for the vacation of Court Street, which is a paper street on the property being developed by Gabrellian.

- **Double Utility Pole**

Mr. Hart has reviewed an ordinance from Paramus about the placement of double utility poles. He heard recently that a utility company had installed a new pole and did not remove the old pole. This ordinance contains specific requirements about the removal of the other pole and he would use this as a guide for a similar ordinance in Franklin Lakes. He will have the ordinance ready for the next work session.

- **Ordinance 1687 – Impervious Coverage**

Councilperson Kahwaty stated that in this ordinance the wording is changed to “total coverage”. Mr. Hart explained that this change was made in 2011, and a subsequent ordinance contained a modification on the area and bulk schedule; where the previous change hadn’t been picked up. He has subsequently found another ordinance which also needs to be corrected.

## **PUBLIC SAFETY & LIBRARY**

Councilperson Ramsey reported that the last two patrolmen graduated from the Police Academy last week and have begun working.

Councilperson Ramsey said that people are not locking their cars and Councilperson Kahwaty noted that cash is often being left in cars. Mayor Bivona said that car theft is actually down from several years ago and burglaries have also decreased.

Councilperson Ramsey stated that the Police Headquarters is moving slowly and the crew has been changed. The employees have been extremely patient considering the working conditions.

Mr. Hart stated that the Ambulance Corp is adopting an amendment to their By-Laws, which allow for drivers to be age 19 instead of 21. They will vote on this change followed by the Mayor and Council approval. This will be listed on the August 16<sup>th</sup> meeting.

Councilperson Ramsey stated that the Library has completed their Strategic Plan which goes through 2021. Residents were invited to attend meeting and voice their visions as to what the library should be. She noted that there has been a 9.2% increase in attendance at their events and a 7% increase in attendance for the programs they offer.

## **ADMINISTRATION AND FINANCE**

- **BC Open Space Grants**

Councilperson Lambrix spoke about the Bergen County Open Space Grant. Mr. Hart had asked for suggestions about what they would like to do with the grant money. Mr. Hart explained that this grant is a matching grant totaling \$40,000, for park improvements. At the moment grant money that had been received in the past is being used for improvements to the tennis courts and the dog park. Mr. Hart suggested that they apply for a recreational trails grant for Old Mill Woodlands, which would extend the primitive trail network across Old Mill. He said that it would be premature to suggest work at Parsons Pond Park because they are not sure of the needs there yet.

Mr. Hart stated that there are funds available for the matching portion of the grant at Old Mill Woodlands. This funding is a result of the University Heights litigation, which Councilperson Lambrix was involved with, and this money is dedicated towards this exact type of park improvement.

Mr. Hart explained that a Declaration of Intent must be filed with Bergen County and it is due by August 10<sup>th</sup>. No formal action by the Mayor and Council is needed.

- **Award Contract – Payroll Services**

Mr. Hart stated that proposals were solicited by the Borough relative to payroll services from five different companies. Two proposals were received one from the company presently doing payroll services, and another from ADP. Bill Pike, Chief Financial Officer and Meena Sivakumar, Payroll Administrator, have recommended that the Borough continue with Action Data Services due to the cost. Mr. Hart concurs with these recommendations and stated that this contract be awarded at the August 16<sup>th</sup> meeting.

### **BOROUGH ADMINISTRATOR’S REPORT**

Mr. Hart said that there is nothing additional to report this evening. He noted that there may not be the support which he anticipated from the Trail Conference relative to Parsons Pond Park.

### **OLD BUSINESS**

Councilperson Lambrix asked for an update on Supportive Housing. Mayor Bivona reported that the sanitary sewer requirement has been completed by Boswell Engineering and everything seems to be ready to move forward. Ground breaking should take place this year and there will be a closing soon.

Councilperson Swist asked if anything is happening with the VFW Building. Mr. Hart said that the building will most likely be used by the Office of Emergency Management (OEM). The VFW has transferred the utilities to the Borough and the sign will be removed from the building. He is waiting for a plan from OEM relative to the construction of office space. This work will be done incrementally and cost effectively. Mayor Bivona said he would like to have the flag pole and memorial moved out in order to extend the park area.

### **NEW BUSINESS**

There was no new business this evening.

### **RESOLUTION FOR CLOSED SESSION**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, August 2, 2016 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Pending Litigation – Affordable Housing
- Tax Appeal – Shah, Ramesh & Sunil
- Tax Appeal – Shah, Sanjay and Roopa
- Tax Appeal – Lichtstein

**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 was read by Councilperson Lambrix, seconded by Councilperson Kahwaty at 8:45 P.M. on voice vote, all in favor. was read by to discuss the following:

**ADJOURNMENT**

Motion by Councilperson Lambrix to adjourn the meeting at 9:00 P.M. Councilperson seconded the motion.

Roll Call Vote

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

**Resolution 220-16**

**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 \$7,247,800.90 as shown on the Claims Bill List; \$11,136.50 as shown on the Soil Account Bill List and \$1,008.75 as shown on the Developers Escrow List.

**BE IT FURTHER RESOLVED**, that the payroll of July 14, 2016 in the amount of \$206,242.30 and the payroll of July 28, 2016 in the amount of \$206,393.76 be hereby ratified and approved

**Resolution 221-16**

**Change Order #7 – Police Headquarters**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that Change Order #007 for the Franklin Lakes Police Building Addition project be and is hereby approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

PROJECT Addition	Franklin Lakes Police Building
ARCHITECT	Arcari & Iovino Architects, P.C.
CONTRACTOR	M.B.T. Contracting LLC 63 Beaver Brook Road Suite 104C Lincoln Park, New Jersey
ORIGINAL CONTRACT COST	\$796,400
COST OF CHANGE ORDER #001	\$3,750
COST OF CHANGE ORDER #002	\$875
COST OF CHANGE ORDER #003	\$0
COST OF CHANGE ORDER #004	\$30,190.25
COST OF CHANGE ORDER #005	\$17,512.40
COST OF CHANGE ORDER #006	\$1,886.00
COST OF CHANGE ORDER #007	\$27,000.00
NEW CONTRACT SUM	\$877,613.65

CHANGE ORDER NUMBER

#007

NATURE OF CHANGES

Parking lot expansion

**Resolution 222-16**

**WHEREAS**, at the Tax Sale held on November 30, 2015, the Borough of Franklin Lakes sold a tax lien on Block 1417, Lot 11, also known as 579 Colonial Road, for delinquent 2014 taxes, owned by Frank & Jeanette Vaccaro and;

**WHEREAS**, this Tax Lien Certificate #15-00002 was sold to TWR as CST EBURY FUND 1 NJ LLC, at P.O. Box 37695, Baltimore, MD 21297-3695 at zero percent interest rate and a premium of \$28,000;

**WHEREAS**, OCWEN Financial Corporation, has redeemed Certificate #15-00002 in the amount of \$14,538.64, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer be authorized to issue check in the amount of \$42,538.64 to TWR as CST EBURY FUND 1 NJ LLC, at P.O. Box 37695, Baltimore, MD 21297-3695.

Principal	\$ 13,287.93
Redemption Penalty	38.47
Interest	1,157.24
Recording Fees	43.00
Other Fees	12.00

**Redemption Total:**        **\$ 14,538.64**

**Plus Premium:**                  **\$ 28,000.00**

**Grand Total:**                   **\$ 42,538.64**

Respectfully submitted,



Sally T. Bleeker, Borough Clerk