

**MEETING OF THE MAYOR AND COUNCIL
OCTOBER 6, 2016
7:30 P.M.**

A regular meeting of the Mayor and Council was held on October 6, 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 Swist, Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker. Council President Lambrix and Councilperson Ramsey were absent this evening.

SUNSHINE LAW STATEMENT

The Borough Clerk read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PUBLIC HEARING

- **Bergen County Open Space Funding Application**

Mr. Hart explained that the Borough's application before the Bergen County Open Space Program for consideration is the acquisition of property known as Block 2408, Lot 1.04, 462 Blue Hill Terrace or 615 Franklin Avenue. The proposal calls for the acquisition of 12.72 acres from the property owner. The application is known as Schwartz Property Acquisition. Mr. Hart indicated that the deadline for the application is October 13th and the applications are being filed prior to that date.

**Resolution 263-16
Bergen County Trust Fund Application
– Schwartz Property Acquisition**

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Bergen County Trust Fund"), provides grants to municipal governments and to nonprofit organizations for assistance in the acquisition of lands for open space conservation purposes and/or outdoor recreation facilities; and,

WHEREAS, the Borough of Franklin Lakes desires to further the public interest by obtaining a grant of \$2,400,000 from the Bergen County Trust Fund to fund the following project: Schwartz Property Acquisition; and,

WHEREAS, the Mayor and Council has reviewed the Bergen County Trust Fund Program Statement, the County Program Open Space Policy and Procedures Manual, and the open space application and instructions and desires to make an application for such a grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the Mayor and Council held the required public hearing on Thursday, October 6, 2016 to receive comments prior to the submission of said application; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the Bergen County Trust Fund; and,

WHEREAS, the applicant is willing to use the Bergen County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project; and

WHEREAS, if the applicant is successful in acquiring said project through the use of a County Trust Fund grant, then the applicant will permanently preserve said project for open space conservation and/or outdoor recreation purposes though a recorded deed of easement;

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 it is hereby authorized to submit the above completed project application to the County by this year's deadline established by the County; and,

BE IT FURTHER RESOLVED that, in the event of a Bergen County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project; and,

BE IT FURTHER RESOLVED that the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

Councilperson Cadicina made a motion to open the public hearing on the Bergen County Open Space Funding Application. Councilperson Swist seconded the motion, all ayes.

No one from the public came forward to comment.

Councilperson Cadicina made a motion to close the public hearing, seconded by Councilman Kahwaty, all ayes.

The Resolution was read in full by Councilperson Kahwaty. Discussion – Mr. Hart asked that a change be made to the second WHEREAS clause. The amount to be funded should be \$2.4 million. Mr. Hart said that they hope to leverage the project with New Jersey Green Acres funding and a donation from the Land Conservancy in the amount of \$100,000, along with some Borough Funds. He stressed the importance of demonstrating to Bergen County that it is not only their funds that are being used for this project. Councilperson Cadicina seconded the motion.

Roll Call Vote

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

PUBLIC HEARING

- **Bergen County Open Space Municipal Park Improvement Application**

Mr. Hart explained that this application is under a different portion of the Bergen County Open Space program. The Borough is applying for a grant of \$21,000 from the Municipal Park Improvement Program for a project estimated to cost \$42,000, which would extend the primitive path at the Old Mill Woodlands on the other side of Old Mill Road.

Resolution 264-16
Bergen County Open Space Trust Fund Application
- Extension of Old Mill Woodlands Primitive Trails

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Franklin Lakes desires to further the public interest by obtaining a matching grant of \$21,000 from the County Trust Fund to fund the following project: Extension of Old Mill Woodlands Primitive Trails; and,

WHEREAS, the Mayor and Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the Mayor and Council have received public comments on the proposed park improvements in the application on October 6, 2016; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date;

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 Borough Administrator is hereby authorized to submit the above completed project application to the County by the deadline of October 13, 2016, as established by the County; and,

BE IT FURTHER RESOLVED that, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Franklin Lakes has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes is committed to providing a dollar for dollar cash match for the project; and,

BE IT FURTHER RESOLVED that only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and,

BE IT FURTHER RESOLVED that the Borough of Franklin Lakes agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

Councilperson Cadicina made a motion to open the public hearing on the Bergen County Municipal Park Improvement Program Application. Councilperson Kahwaty seconded the motion, all ayes.

No one from the public came forward to comment.

Councilperson Cadicina made a motion to close the public hearing, seconded by Councilman Kahwaty, all ayes.

The Resolution was read in full by Councilperson Kahwaty. Councilperson Cadicina seconded the motion. Discussion – None.

Roll Call Vote

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

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Swist. Councilperson Cadicina seconded the motion, all ayes.

No one from the public came forward.

Motion to close the time for public comment was made by Councilperson Cadicina, seconded by Councilperson Kahwaty, all ayes.

PROCLAMATION

Mayor Bivona read the following proclamation:

**Put the Brakes on Fatalities Day®
October 10, 2016**

October 10, 2016, has been declared Put the Brakes on Fatalities Day® by the **BOROUGH OF FRANKLIN LAKES**

WHEREAS, Across the nation, traffic crashes caused 35,092 fatalities in 2015, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, In New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and,

WHEREAS, Alcohol-related crashes accounted for 28.0 percent of the State’s traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and,

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and,

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted Speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

Now, therefore, I Frank Bivona, Mayor of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, do hereby proclaim October 10, 2016, Put the Brakes on Fatalities Day®, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

ENGINEER’S REPORT

- **Status Report**

The Borough Engineer was not at this meeting; however, there were no questions on the Status Report.

RESOLUTION 265-16
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 266-16	Accept Report of the Finance Committee
Resolution 267-16	Chapter 159 – 2016 Drunk Driving Enforcement
Resolution 268-16	Facilities Use Permit – North Haledon Cub Scouts Fishing Derby
Resolution 269-16	Modify Terms of Employment – Tax Assessor
Resolution 270-16	Rate of Interest on Delinquent Taxes
Resolution 271-16	Tax Refund – Lichtstein
Resolution 272-16	Tax Refund – Shah, Ramesh
Resolution 273-16	Tax Refund – Shah, Sanjay
Resolution 274-16	Veterans Tax Exemption – Faustini

Resolution introduced by Councilperson Kahwaty. Seconded by Councilperson Cadicina.

Roll Call Vote

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

Regarding the cleaning contract, Mr. Hart reported that bids were received and references are being checked. He will have a recommendation for the next meeting.

MAYOR’S REPORT

Mayor Bivona reported on the Heart Walk that took place on Sunday. He was happy to see that a lot of Borough employees participated in the walk. The Scrips turnout was excellent and a lot of money was raised.

Mayor Bivona stated that Chris Herren, former basketball player, who has recovered from drug addiction, participated in a three day program held as part of an event sponsored by the Municipal Alliance. Mr. Herren has been clean for some time now and has a very inspiring story to tell. Mayor Bivona thanked Superintendent Beth McKay for putting the program together. Mr. Herron spoke to all of the students; however, Mayor Bivona said he was disappointed at the lack of turnout during the evening among parents. He said that this seems to be a big part of the problem.

Councilwoman Swist asked what went wrong relative to the low turnout. Mayor Bivona attributed it to apathy and said this problem is not isolated to Franklin Lakes. He suggested that the presence of the parents be made mandatory for these types of programs, but whether or not this is enforceable is questionable. This would have been extremely beneficial for adults.

Councilwoman Swist asked Mr. Herron where the drug problem was most severe and he said it was in the affluent communities where there is more access to drugs. The problem is less obvious because parents are quick to react and take care of the situation, and drugs are also affordable in affluent communities. Mayor Bivona said that Mr. Herron’s talk was hugely successful with the students at Ramapo and Indian Hills High Schools.

Mayor Bivona commended Sabastian and the DPW for the work done to decorate the front of Borough Hall and other areas of the Borough. Mayor Bivona noted that a blue line had been painted on DeKorte Drive to show support for the police. He suggested

that in a month the line be changed to red to show support for First Responders, to be followed by a change to green to recognize Borough employees.

COMMITTEE/LIAISON REPORTS

PLANNING & DEVELOPMENT

Councilperson Kahwaty reported that yesterday's Planning Board Meeting was cancelled. The final Toll Brothers resolution, including the Developers Agreement has been approved. Construction is moving along at the Gabrellian property at Colonial Road and Franklin Avenue.

Mr. Hart stated that there is a new process for imposing liens on properties where property maintenance is a problem such as abandoned, nuisance properties. The Borough has a right to send landscapers onto the property for clean-up purposes and can impose a lien on the property. A resolution will be ready for introduction on October 18th which will begin the process.

Mr. Hart announced that the Planning and Zoning secretary has been out for an extended period of time. They hope she will return soon and they are considering looking for a temporary person to help out. John Wittekind, the Construction Official, is working with Councilperson Kahwaty on a personnel issue involving the retirement of the Fire Sub Code Official. A recommendation should be made on October 18th. Mayor Bivona announced that Kim Verheilig is stepping down as Chairwoman of the Planning Board

ADMINISTRATION AND FINANCE

- **Award Contract – Council Chamber Sound System**

Mr. Hart reported that \$5,000 had been appropriated in the municipal budget for improvements to the sound system in the Council Chambers. A consultant has recommended some improvements, including a mixer to help with overall sound, and new microphones. Ms. Bleeker stated that there was a demonstration of new microphones on the dais which made a tremendous difference. The table in front of the dais will also have new microphones. The cost of \$8,000 is more than the \$5,000 than the amount budgeted but Mr. Hart is still recommending that they move forward and do all of the upgrades at once.

Mr. Hart noted that the microphones will be visible above the dais; however, Mayor Bivona said that the microphones will not pick up all the paper shuffling. Ms. Bleeker added that one microphone for every two individuals will be sufficient. Mayor Bivona asked if the microphones had shut off buttons and Mr. Hart said he thought that was an upgrade but he will check further.

- **Appoint Borough Administrator to Monitor PILOT's**

Mr. Hart explained that the PILOT program is part of the Best Practices checklist. Mr. Hart will be appointed relative to the PILOT program (Payment In Lieu of Taxes) which is a requirement due to the Borough's involvement in special needs housing. Mr. Hart said that some of these PILOT programs can fall off the radar if they are not monitored. Mr. Hart will be required to issue an annual report with findings.

- **Medical Shared Savings Program**

Mr. Hart explained that the Open Enrollment time for employees begins on October 31st with a choice of six medical plans being offered. He has been working with the Borough's risk manager to roll out a program that could result in significant savings for employees and for the Borough. If an employee chooses to go to a lower cost plan, the Borough would split the savings with the employee. This means that 30% of the savings would go to the employee, and 70% would go to the Borough. Mr. Hart explained that the employee's contribution to the cost of the insurance will decrease when the cost of the plan is lowered. Mr. Hart pointed out that plan rates and employee contributions vary

based on salary, which makes it more difficult to come up with exact figures. He asked that the Mayor and Council approve the plan and information will be made available to employees during open enrollment when every employee will learn specifics of exactly what their savings will be.

Mayor Bivona said that the employee will realize savings through lower contributions. Mr. Hart stated that it is important to get employees thinking in terms of the cost of the plan. He asked for approval of the Mayor and Council for this concept of sharing the savings so that he can go forward and offer the plan. Mayor Bivona said that in the past they have discussed making employees more pro-active through programs that promote the ideas of sharing savings. Mr. Hart said he would put this into a general resolution for the October 18th meeting.

Mr. Hart stated that they have been working on safety improvements at Borough Hall and they have received preliminary cost estimates. There will be a change in the layout in both the Finance Office and the Clerk's Office and Mr. Hart and Councilperson Swist met with all of the employees who will be affected by the alterations. Mr. Hart and Councilperson Swist agree that some outside help is needed with the planning of the offices, and they met with two interior designers, who have offered proposals ranging in cost from \$1,200 to \$2,100. The project will be listed as a capital cost in 2017.

PUBLIC WORKS

Councilperson Cadicina referred to the DPW report for September. He highlighted several things done by the DPW during that time, including black top work on Oak Street, repairs to the underground water system at Glen Place and Kings Pond dredging. He pointed out that there are pictures accompanying some of the work to make it easier to understand. Councilperson Cadicina added that the DPW has done considerable work at Memorial Garden which was on display during the 9/11 Memorial Ceremony.

- **Shared Service Agreement – Street Sweeper**
- **Shared Service Agreement – Vehicle Maintenance**
- **Road Surfacing Agreement**

Councilperson Cadicina was happy to note the three shared service agreements for the street sweeper, vehicle maintenance and a road resurfacing. Mr. Hart said that the County is allowing the Borough to utilize the street sweeper as needed since the street sweeper belonging to the Borough is no longer operable. Mr. Hart will ask Mr. Lilenthal and the mechanic if it makes sense to do repairs on vehicles at the County level. The annual road surfacing agreement is for the installation of handicapped accessible curb ramps. The County does not do this work, but is obligated to install these curb ramps on county roads, even where there is no sidewalk. The Borough does the work and the County will reimburse the Borough. There will be resolutions for the three agreements at the October 18th meeting.

ENVIRONMENTAL AND COMMUNITY AFFAIRS

Councilperson Swist reported that a speaker from the Bergen County Health Department spoke to the Seniors on Risk Factors Associated with the Misuse of Medication. They handed out a card where medications can be listed. The card can then be kept in and individual's wallet or on the fridge in case of an emergency.

Councilperson Swist stated that a new red warning sticker will be placed on resident's garbage can in the case of repeated instances of co-mingled garbage. At the moment the warning sticker is yellow with the word "notice" and the new red sticker uses the word "warning". This is because the State has indicated that municipalities should achieve a 60% recycling rate. Franklin Lakes is at 28% rate and this is another action that could help to achieve this goal. Councilperson Kahwaty asked how Franklin Lakes compares to other communities. Councilperson Swist said that Fair Lawn does the best job because they have a full time employee dedicated to recycling, who issues summonses to violators. Mayor Bivona indicated that the percentage in Oakland is similar to the numbers in Franklin Lakes. Wyckoff has a well-developed program with an impressive

success rate. Councilperson Swist said that the Borough is improving thanks to the Environmental Committee.

Councilperson Swist reported that more donations have been received relative to the Memorial Pond Trust Fund bringing the total to \$21,300. Councilmembers applauded Councilperson Swist for her hard work on this fund raising project.

Councilperson Swist stated that she will be attending a meeting with Craig Goldman, Councilperson Kahwaty and Mr. Hart concerning the renovation of the VFW building. She said that she attended a ribbon cutting yesterday at the Mahwah Special Needs Housing. The development consists of eight houses that are beautifully furnished.

RECREATION AND PARKS

Councilperson Kelly stated that they addressing the much needed refurbishing of the tennis courts. The tennis courts are not being used because of their poor condition. They are working aggressively on improvements to the grass fields as well. The players on the traveling baseball team have registered for tryouts. Councilperson Kelly stated that all football players are using the Guardian Cap and replacement basketball equipment has been ordered.

Councilperson Kelly said that Mr. Hart has been working on a detailed plan of Parsons Pond Park for review. Mr. Hart conducted a meeting on the park, which was very well run including significant participation from everyone, as well as the coaches. Everyone learned a lot about how best to address the needs of the Borough without wasting money. Mr. Hart said he will prepare a report that will be distributed to the Mayor and Council in order to list priorities. He said that the focus of the meeting was on short term priorities.

Mayor Bivona said that a walkway connecting this complex and the paths to Parsons Pond Park would be useful. Old Mill Road is wide enough to accommodate a bike and walking lane. There are many open issues for discussion and consideration. Mr. Hart said that bids for the landscaping at Parsons Pond Park are being accepted on October 12th and will be awarded on the 18th. This is a combined bid for the rental of the building and the landscaping. Mr. Hart has discussed transitional items with the Child Care Center, who have still not begun their marketing program.

Mayor Bivona recognized the one year anniversary of the opening of the Wyckoff YMCA and Community Center.

PUBLIC SAFETY & LIBRARY

Councilperson Kahwaty stated that the renovations to the Police Headquarters are proceeding on pace. Mr. Hart said that this has been a difficult project and he was happy to report that the Department of Corrections is conducting their inspections tomorrow so that the detention area can be used. The existing detention area will be repurposed after the new area passes inspection.

Mr. Hart recalled that during budget discussions, the Council decided to hire a consultant to conduct an independent assessment of the fire apparatus needs. Five proposals from qualified consultants have been submitted. Interviews with the first two highly recommended consultants will be scheduled shortly, followed by a recommendation. Mr. Hart said that he is working on this project with Councilmembers Kahwaty, Ramsey and Lambrix.

Mr. Hart reported that the Fire Department came to the Public Safety Committee and the Finance Committee with a capital budget need. Mr. Hart said that the six year capital plan contains \$310,000 for SCBA packs. These are the standard air packs worn by firemen when they go into a fire with bottles. The bottles need to be replaced and the money set aside would be more than enough to replace the existing 40 packs. The Fire Department points to the NFPA recommendation that there be a pack for every seat in the fire truck, which would increase the number of air packs needed to 48. This cost would be slightly more than \$302,000, which is still in budget; however, the Fire

Department is recommending a change to a different air bottle that would last for a longer period of time during a fire.

Mr. Hart said that at the present time, the Fire Department has 30 minute bottles. After two thirds of the time has elapsed, an alarm sounds warning the fireman to get out of the building. A forty five minute bottle is available meaning that the warning will sound after thirty minutes. When the fireman exits the building he gets a replacement bottle and goes back into the fire. The Fire Department is requesting the longer lasting bottles to avoid going in and out as much. The Fire Chief indicates that in a typical working fire the personnel use two or three bottles.

Mr. Hart stated that there is a cost associated with the longer lasting packs. If the existing forty packs were replaced with the new packs, the cost would be \$371,000 rather than \$250,000. If 48 packs were purchased the price would increase to \$452,000. Councilman Kelly said it would be useful to know how many fires have exceeded thirty minutes. Mr. Hart said that it would be a small number.

Mayor Bivona asked about the Committee's recommendation. Mr. Hart said that the Committee seemed to lean towards the budget appropriation and if it could be demonstrated that 48 bottles were needed the Committee would agree to 48 thirty minute packs. At a Finance Committee meeting today, Mr. Hart said that the indication was that there was no compelling reason not to stay within budget. Councilperson Kahwaty pointed out that if you upgrade to the longer lasting pack the bottles are incompatible; however, a trade in value is applicable.

Councilperson Swist questioned which is more critical to the fire personnel: bottles that last 45 minutes, or 48 bottles. She asked if reducing the number of bottles from 48 to 40 would reduce the budget and Mr. Hart said that would still run the Borough \$60,000 over budget.

Mayor Bivona said that the answer is simple if they decide to stay within budget. He would prefer that the Fire and Safety Committee make a recommendation and the Mayor and Council could then decide whether or not the recommendation makes sense financially. Councilperson Kahwaty will reach out to Councilperson Ramsey to get her opinion and come back with a recommendation. Mr. Hart said that whatever the decision is, this item must be listed for a contract award from a State Contract vendor. Councilperson Kahwaty stated that it appears that surrounding, larger communities are not changing to the new pack.

Mayor Bivona reported on the positive update report issued by Moody's, which will be posted online.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart said that there is nothing additional to report this evening. He stated that the Annual Best Practice's Checklist will be on the upcoming agenda. He explained that a municipality will lose State aid if there are an insufficient amount of positive responses, but that has never been the case in Franklin Lakes.

OLD BUSINESS

Councilperson Swist stated that the Library is conducting a presentation on October 10th entitled the Reality of Addiction and Recovery through the Municipal Alliance.

Councilperson Swist said that although she couldn't attend the Town Festival she heard it was well attended. Mayor Bivona said that the number of tickets sold for the rides on Friday was slightly less than double that of last year. He attributes the increase to the food trucks and the car show. On Saturday, the number of tickets sold for rides was comparable with last year; however, there seemed to be many more people attending the booths.

NEW BUSINESS

Councilperson Kahwaty said that when he visited the building a few days ago he learned about the poor heating and cooling conditions from Borough employees. Apparently, Stephen DiFlora did a study a few years ago, which concluded that major renovations needed to the HVAC system in the building would be cost prohibitive. Councilperson Kahwaty suggested a new study because something is wrong when the climate varies from office to office.

Mr. Hart said that this should be part of capital planning budget and they need to refer to the studies that have been completed. There were several recommendations and there are limitations as to what can be done in the building due to its age. Councilperson Kahwaty said they need to look into this in order to plan for the future.

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 Thursday, October 6, 2016 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Tax Appeal – 228 Hidden Pond Path
- Contractual – Fitness Center – Express Scripts

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 9:00 P.M. was read by Councilperson Kahwaty, seconded by Councilperson Cadicina. On voice vote, all in favor.

Roll Call Vote

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

ADJOURNMENT

Motion by Councilperson Kahwaty to adjourn the meeting at 9:10 P.M. Councilperson Cadicina seconded the motion.

Roll Call Vote

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

Resolution 266-16

RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the report of the Finance Committee be accepted and recommendations adopted; that the report be made part of the record of this meeting; and the proper Borough Officials are hereby authorized and directed to issue warrants in the amount of \$4,833,108.25 as

shown on the Claims Bill List; \$250.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of September 8, 2016 in the amount of \$193,717.79 and the payroll of September 22, 2016 in the amount of \$244,479.29 be hereby ratified and approved.

Resolution 267-16

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 \$4,062.72, 2016 Drunk Driving Enforcement Fund 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 \$4,062.72 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2016 Drunk Driving Enforcement Fund Grant	\$4,062.72

BE IT FURTHER RESOLVED that a sum of \$4,062.72 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":	
Public and Private Programs Offset by Revenues:	
2016 Drunk Driving Enforcement Fund Grant	\$4,062.72

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 268-16

Facilities Use Permit – North Haledon Cub Scouts

WHEREAS, the North Haledon Cub Scout Pack 70 has requested the use of Borough facilities, Franklin Lakes Nature Preserve, for its Annual North Haledon Fishing Derby to be held Saturday October 8, 2016;

WHEREAS, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

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 North Haledon Cub Scout Pack 70 is hereby granted permission to use Borough facilities for its Annual North Haledon Fishing Derby to be held Saturday October 8, 2016 subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the North Haledon Cub Scout Pack 70 and the Recreation and Parks Director.

Resolution 269-16
Tax Assessor – Modification of Terms of Employment

WHEREAS, the Mayor and Council and the Tax Assessor have agreed to modify the terms of employment of the Tax Assessor;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the terms of employment of the Tax Assessor, Edmund Brown, who is currently serving a four year term which commenced on July 1, 2016, are hereby modified, effective September 12, 2016, as follows:

1. The 2016 pay rate for the position is \$25,000 annually;
2. Regular work hours shall include four office hours per week, consisting of two hours during regular Borough Hall hours (8:30 am to 4:00 pm) and two hours during an early evening (for the purpose of being available to residents that work during the day);
3. The Tax Assessor shall continue to discharge the same scope of responsibilities of the office as was done prior to the week of September 12, except that it is agreed that the Borough shall retain an appraisal firm to perform inspections for added and omitted assessments; and,
4. Recognizing that the office hours of the Tax Assessor will be limited, he shall be available via cell phone and email to Borough officials, employees and residents, as needed;

BE IT FURTHER RESOLVED that, except as modified herein, the terms of employment of the Tax Assessor as set forth in his June 20, 2014 offer of employment shall continue in effect; and

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Tax Assessor Edmund Brown.

Resolution 270-16

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the rate of interest on delinquent taxes, assessments and any other municipal charges shall be fixed at the rate of 8% per annum for the year 2016, on the first \$1,500 of the delinquency and at the rate of 18% per annum on any amount of delinquency in excess of \$1,500; except that no interest shall be charged if payment of any installment is made within the 10 days after the date upon which same became payable; and,

BE IT FURTHER RESOLVED that, in accordance with N.J.S.A. 54:4-67, a 6% penalty shall be charged on any delinquency in excess of \$10,000 if not paid by the end of the calendar year; and,

BE IT FURTHER RESOLVED that interest be computed on delinquent taxes, assessments and any other municipal charges to the day payment is received in the Tax Collector's Office; and,

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to hold the annual tax sale on delinquent taxes, assessments and any other municipal charges as required by P.L. 1997 Chapter 99; and,

BE IT FURTHER RESOLVED that, with respect to Tax Certificates held by the Borough, the following additional penalties shall be charged: 2% on the amount due over \$200 up to \$5,000; 4% of the amount due over \$5,000 up to \$10,000; and 6% on the amount in excess of \$10,000; and,

BE IT FURTHER RESOLVED that amounts are to be calculated from the date that the tax was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the 10th calendar day following the date upon which the same became payable; provided that, when the 10th day of the grace period falls on a Saturday or Sunday, it shall be due and payable on the following Monday, and if the following Monday is a legal holiday, it will be due and payable on the following Tuesday; and,

BE IT FINALLY RESOLVED that, in the event a check received by the Borough is returned because of insufficient funds or for any other reason, a charge of \$20 will be imposed against said property; and, further, where a check is received and is then returned unpaid, it shall be as though the taxes were not paid and interest shall accrue as outlined herein until proper payment is made.

Resolution 271-16

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

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2015 and the year 2016 on Block 1110.07 Lot 12 whose property location is 710 Cheyenne Drive, homeowner Lichtstein (Etc/Trstes), Jerome,

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>
1110.07	12	\$ 25,000 (2015)	\$ 399.75
		Total Refund	\$ 399.75
		Credit 4Q 2016 Taxes for 2016	\$ 410.25

All checks made payable to:
 Jacobus & Associates, LLC
 Trustee for Lichtstein (Etc/Trstes), Jerome
 201 Littleton Road
 Morris Plains, NJ 07950

Resolution 272-16

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

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year 2015 and the year 2016 on Block 1104 Lot 12 whose property location is 814 Sussex Road, Franklin Lakes, homeowner Shah, Ramesh B. & Sunil,

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>
1104	12	\$ 85,600 (2015)	\$ 1,368.74
Total Refund			<u>\$ 1,368.74</u>
Credit 4Q 2016 Taxes for 2016			\$ 1,404.70

All checks made payable to:
 Jacobus & Associates, LLC
 Trustee for Shah, Ramesh B. & Sunil
 201 Littleton Road
 Morris Plains, NJ 07950

Resolution 273-16

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

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year(s) 2014, 2015 and the year 2016 on Block 2205 Lot 3.05 whose property location is 403 Jay Court, Franklin Lakes, homeowner Shah, Sanjay & Roopa,

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>
2205	3.05	\$ 100,000 (2014)	\$ 1,572.00
2205	3.05	\$ 100,000 (2015)	\$ 1,599.00
Total Refund			<u>\$ 3,171.00</u>
Credit 4Q 2016 Taxes for 2016			\$ 1,641.00

All checks made payable to:
 Jacobus & Associates, LLC
 Trustee for Shah, Sanjay & Roopa
 201 Littleton Road
 Morris Plains, NJ 07950

Resolution 274-16

WHEREAS, Mr. Costantino Faustini, who resides at 591 Spruce Lane, Franklin Lakes, New Jersey, Block 2409.02, Lot 3.04, and;

WHEREAS, Mr. Faustini was granted a permanent disability resulting from service-connected injuries as declared by the United States Veteran's Administration pursuant to N.J.S.A. 54:04-03.30, which grants total exemption from local property taxes and;

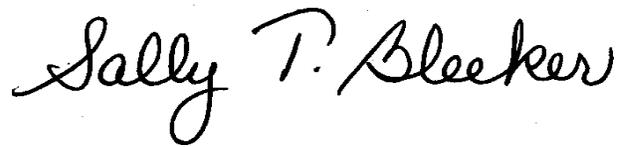
WHEREAS, the Council of the Borough of Franklin Lakes, New Jersey, authorized, the Tax Collector, Meena Sivakumar, to refund the pro-rated property taxes paid for 4th quarter 2015 in the amount of \$982.67 and property taxes paid for 1st, 2nd, 3rd quarter 2016 in the amount of \$8,850.25 to Mr. Faustini. Notification of disability received from the Tax Assessor on September 14, 2016 to be retroactive to November 30, 2015;

WHEREAS, this resolution allows the Tax Collector to cancel balance of 4th quarter 2016 tax bill in the amount of \$3,053.00, 1st and 2nd quarter 2017 tax in the amount of \$5,952.00 and all future tax bills to be cancelled through this resolution.

Amount of refund:	\$ 9,832.92
Mr. Costantino Faustini	
591 Spruce Lane	
Franklin Lakes, NJ 07417	

Cancel 4Q 2016 Taxes:	\$ 3,053.00
Cancel 1Q 2017 Taxes:	\$ 2,976.00
Cancel 2Q 2017 Taxes:	\$ 2,976.00

Respectfully submitted,



Sally T. Bleeker, Borough Clerk