

**MEETING OF THE MAYOR AND COUNCIL
JANUARY 18, 2011
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, January 18, 2011 in the Municipal Building.

MEETING CALLED TO ORDER

Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Councilwoman Lota, Councilman Pedone and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Richard Lustgarten and Borough Clerk Sally Bleeker. Absent was Councilman Friscia and Council President Ramsey.

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilman Smith. Seconded by Councilwoman Lota. Discussion – none. On voice vote, all in favor, motion approved.

No one from the public came forward at this time.

Motion to close the time for public comment was made by Councilman Smith. Seconded by Councilman Pedone. Discussion – none. On voice vote, all in favor, motion approved.

APPOINTMENTS

DIRECTOR OF PUBLIC SAFETY

Mayor Bivona asked for a motion to appoint Irv Conklin to the position of Director of Public Safety, effective February 1, 2011 for a one-year term. Motion was made by Councilman Smith. Seconded by Councilwoman Lota.

Roll Call Vote:

Ayes: Lota, Pedone, Smith
Nays:
Abstain:
Absent: Friscia, Ramsey
Resolution Approved.

SHADE TREE COMMISSION - 5 year Appointment

Mayor Bivona asked for a motion to appoint Phil Sarfaty to the Shade Tree Commission. This is a five year term. Motion was made by Councilman Smith. Seconded by Councilman Pedone.

Roll Call Vote:

Ayes: Lota, Pedone, Smith
Nays:
Abstain:
Absent: Friscia, Ramsey
Resolution Approved.

MUNICIPAL PROSECUTOR

Mayor Bivona asked for a motion to appoint Mark DiMaria as the Borough Prosecutor. Motion was made by Councilman Smith. Seconded by Councilwoman Lota.

Roll Call Vote:

Ayes: Lota, Pedone, Smith
Nays:
Abstain:
Absent: Friscia, Ramsey
Resolution Approved.

MUNICIPAL ALLIANCE

Mayor Bivona asked for a motion to appoint the following individuals to the Municipal Alliance:

Evelyn Innocenti as Chairperson

- | | |
|-------------------|--------------------|
| Frank Bivona | Becca Magnusen |
| Joseph Seltenrich | Jennie Ballas |
| Kathy Schwartz | Francine Kern |
| Dr. Frank Romana | Gerry McMahon |
| Mary Beth Korpix | Kathleen Manna |
| Matthew Riccardi | Susan Spagnuolo |
| Jeff Jost | Sarah Katapodis |
| Michael Friscia | Al Evangelista |
| John Ciurciu | Louis Moore |
| Lisa Friscia | Pamela Pappas |
| Pricilla Thoma | Debra Martin |
| Joann Matthews | Lisa Sciancalepore |
| Janis Ing Strauss | Laurie Restieri |
| Kathy Barry | Lorrie Savas |
| Alan Slepp | Lynn Bruggeman |
| Christine Ordway | Leena Shah |
| Eileen Leone | Mary Lyons Kim |
| Thomas Kersting | Joseph Soto |
| Matt Kohlbrenner | Jenifer Walden |
| Jo Anne Zellers | Susan McGowan |
| Joseph Keiser | Christina Tillsley |
| Eva Prunk | Beverly MacKay |
| William Gorton | Troy Lederman |
| Melanie DeFazio | Lorenzo Baratta |

Motion was made by Councilwoman Lota. Seconded by Councilman Pedone.

Roll Call Vote:

Ayes: Lota, Pedone, Smith
Nays:
Abstain:
Absent: Friscia, Ramsey
Resolution Approved.

CONSENT AGENDA RESOLUTION

Resolution 19a-11

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

Resolution 20-11	Accept Report of the Finance Committee
Resolution 21-11	Auth. Mayor to Sign Interlocal Service Agreement-Sanitary Sewer Cleaning
Resolution 22-11	Auth. Mayor to Sign Interlocal Service Agreement-TV Inspections
Resolution 23-11	Approve Contract Tyco Animal Control
Resolution 24-11	Approve Contract Well Baby Clinics
Resolution 25-11	Purchasing Policy – Borough Employees
Resolution 26-11	Professional Service Agreement Bond Counsel
Resolution 27-11	Professional Service Agreement Risk Manager
Resolution 28-11	Professional Service Agreement Borough Engineer
Resolution 29-11	Professional Service Agreement Borough Attorney
Resolution 30-11	Professional Service Agreement Board of Adjustment Attorney
Resolution 31-11	Professional Service Agreement COAH Counsel
Resolution 32-11	Professional Service Agreement Labor Attorney
Resolution 33-11	Professional Service Agreement Borough Auditor
Resolution 34-11	Professional Service Agreement Appraisal Services
Resolution 35-11	Professional Service Agreement Grant Professionals
Resolution 36-11	Professional Service Agreement Planning Board Attorney
Resolution 37-11	Stipulation of Settlement – Rota
Resolution 38-11	Stipulation of Settlement – Ciocon
Resolution 39-11	Stipulation of Settlement – Yannalfo
Resolution 40-11	Stipulation of Settlement – Fichera
Resolution 41-11	Stipulation of Settlement – Robinson
Resolution 42-11	Stipulation of Settlement – Picinich
Resolution 43-11	Stipulation of Settlement – Scott-Adler
Resolution 44-11	Stipulation of Settlement – Seergy
Resolution 45-11	Stipulation of Settlement – Kunkera
Resolution 46-11	Stipulation of Settlement – Faustini
Resolution 47-11	Stipulation of Settlement – Podell
Resolution 48-11	Stipulation of Settlement – Mounir-Hanna
Resolution 49-11	Stipulation of Settlement – Adler
Resolution 50-11	Stipulation of Settlement – ITC Holdings ---REMOVED
Resolution 51-11	Authorize Payment – Repair DPW Bob-Cat
Resolution 52-11	Emergency Medical Services Legislation
Resolution 53-11	Local Emergency Planning Council

Resolution read and introduced by Councilman Smith, seconded by Councilman Pedone.
Discussion – none. On voice vote, all in favor, motion approved.

Roll Call Vote:

Ayes: Lota, Pedone, Smith

Nays:

Abstain:

Absent: Friscia, Ramsey

Resolution Approved.

ACTION ON MINUTES

A motion was made by Councilman Smith and seconded by Councilwoman Lota to accept the minutes of:

- December 7, 2010 Worksession
- December 21, 2010 Regular Meeting
- November 4, 2010 Closed
- December 7, 2010 Closed

Roll Call Vote:

Ayes: Lota, Smith

Nays:

Abstain: Pedone

Absent: Friscia, Ramsey

Motion Approved.

OLD BUSINESS

Borough Administrator, Greg Hart, went through the background information regarding the bidding of the outfitting of the Fire Chief's Vehicle.

Mr. Hart further explained that we set aside \$15,000 for this expenditure, but with the second bid proposal the only bid that came in was higher than the first bid proposal received.

Mayor Bivona suggested that we go back to the vendor and explain to them that this is the amount that has been appropriated. Greg Hart will review it with the Fire Department to let them know that the Mayor and Council's contribution is set at \$15,000.

NEW BUSINESS

ORDINANCE 1510

AN ORDINANCE REPEALING CHAPTER 437 OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED "TAXICABS" AND ADOPTING NEW CHAPTER 308 ENTITLED "LIMOUSINES"

WHEREAS, an ordinance entitled AN ORDINANCE REPEALING CHAPTER 437 OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED "TAXICABS" AND ADOPTING NEW CHAPTER 308 ENTITLED "LIMOUSINES" was introduced at a meeting of the Mayor and Council held on the 18th day of January, 2011;

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 1510 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1510 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of February, 2011, 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 1510; 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 read and introduced by Councilman Smith, seconded by Councilwoman Lota.
Discussion – none.

Roll Call Vote:

Ayes: Lota, Pedone, Smith

Nays:

Abstain:

Absent: Friscia, Ramsey

Resolution Approved.

ORDINANCE 1511

AN ORDINANCE AMENDING CHAPTER 220 "CONSTRUCTION CODES, UNIFORM" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO INCLUDE ADDITIONAL REQUIREMENTS FOR CONTINUED CERTIFICATES OF OCCUPANCY

WHEREAS, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 220 "CONSTRUCTION CODES, UNIFORM" OF THE CODE OF THE BOROUGH OF

FRANKLIN LAKES TO INCLUDE ADDITIONAL REQUIREMENTS FOR CONTINUED CERTIFICATES OF OCCUPANCY was introduced at a meeting of the Mayor and Council held on the 18th day of January, 2011;

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 1511 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1511 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of February, 2011, 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 1511; 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 read and introduced by Councilman Pedone, seconded by Councilman Smith.
Discussion – none.

Roll Call Vote:

Ayes: Lota, Pedone, Smith

Nays:

Abstain:

Absent: Friscia, Ramsey

Resolution Approved.

ORDINANCE 1512

AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND PROVISIONS RELATING TO THE HOB-RL DISTRICT

WHEREAS, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND PROVISIONS RELATING TO THE HOB-RL DISTRICT was introduced at a meeting of the Mayor and Council held on the 18th day of January, 2011;

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 1512 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1512 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 15th day of February, 2011, 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 1512; 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 read and introduced by Councilwoman Lota, seconded by Councilman Smith.
Discussion – none.

Roll Call Vote:

Ayes: Lota, Pedone, Smith

Nays:

Abstain:

Absent: Friscia, Ramsey

Resolution Approved.

CLOSED SESSION

No items to be discussed in Closed Session.

ADJOURNMENT

Motion to adjourn at 8:00 pm was made by Councilman Pedone. Seconded by Councilman Smith. On voice vote, all in favor, motion approved.

Resolution 20-11

BE IT 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 \$6,905,875.14 as shown on the Claims Bill List; and \$8,458.75 as shown on the Soil Account Bill List; and \$3,057.50 shown on the Developers Escrow List.

BE IT FURTHER RESOLVED that the payroll of January 6, 2011 in the amount of \$244,901.44 and that the payroll of January 20, 2011 in the amount of \$234,486.86 be hereby ratified and approved.

Resolution 21-11

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for Sanitary Sewer Cleaning with the Northwest Bergen County Utilities Authority for the years 2011 and 2012 after review and approval by the Borough Attorney.

Resolution 22-11

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for TV Inspection with the Northwest Bergen County Utilities Authority for the years 2011 and 2012 after review and approval by the Borough Attorney.

Resolution 23-11

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the 2011 animal control services contract agreement between the Borough of Franklin Lakes and Tyco Animal Control Services in the amount of \$11,220.00 and \$60.00 for after hours calls be signed by the Mayor and Borough Clerk as approved by the Board of Health.

Resolution 24-11

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an interlocal agreement with the Borough of Waldwick pertaining to the provision of Well Child Care services by the Borough of Waldwick.

BE IT FURTHER RESOLVED, that the agreement adopted by the Borough of Waldwick shall remain in force and effective from the date of execution until December 31, 2011.

Resolution 25-11

WHEREAS, the procedure for all purchases by the Borough of Franklin Lakes, consistent with the Local Public Contracts Law, is as follows:

- Purchases under \$5,400 can generally be made without solicitation of multiple proposals;
- Purchases between \$5,400 and \$36,000 can generally be made following solicitation of at least three proposals; and

- Purchases over \$36,000 require a formal bid process (with exceptions, such as State and County contracts, as permitted by law);

WHEREAS, Borough employees are permitted under the Borough's Personnel Policies and Procedures Manual to engage in employment outside the Borough; and,

WHEREAS, Borough employees, in their outside employment, individually, through a business entity which is owned by the employee, or through a business entity in which the employee has an interest, may submit proposals for providing goods or services to the Borough; and,

WHEREAS, the Mayor and Council are desirous of implementing certain procedural safeguards, above and beyond those procedures which are required for all purchases, to avoid any conflicts of interest or appearance of impropriety in the consideration of proposals for the purchase of goods or services from a Borough employee, from a business entity owned by an employee, or from a business entity in which an employee has an interest; and,

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 following procedural safeguards be and are hereby implemented for the consideration of proposals for the purchase of goods or services from a Borough employee, from a business entity owned by an employee, or from a business entity in which an employee has an interest:

- Where the purchases of goods or services total less than \$10,000 from a business entity in which a Borough employee has an interest during any calendar year, the Borough's purchasing agent or administrator must provide to the governing body and certify in writing that at least three proposals have been obtained; and
- Where the purchase of goods or services total \$10,000 or more during any calendar year from a business entity in which an employee has an interest, the formal bidding process shall be followed;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer and the Purchasing Agent.

Resolution 26-11

WHEREAS, the Borough of Franklin Lakes has a need to acquire Bond Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 through December 31, 2011 ; and

WHEREAS, Bernard S. Davis of Wolff Samson P.C. has submitted a proposal effective June 1, 2010 indicating he will provide Bond Counsel services for an amount as described in his agreement; and

WHEREAS, Bernard S. Davis of Wolff Samson P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Bernard S. Davis of Wolff Samson P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Bernard S. Davis of Wolff Samson P.C. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Bernard S. Davis of Wolff Samson P.C., One Boland Drive, West Orange, NJ 07052, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 27-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of Risk Manager services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Virginia Forde of McCarthy Forde LLC has agreed to provide services as the Borough's Risk Manager in accordance with an Agreement effective January 1, 2011, for a billing rate in an amount equal to six percent (6%) of the Municipality's annual assessment as promulgated by the Fund, as described in said Agreement; and,

WHEREAS, Virginia Forde of McCarthy Forde LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Virginia Forde of McCarthy Forde LLC has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Virginia Forde of McCarthy Forde LLC from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Virginia Forde of McCarthy Forde LLC, 136 Broadway, Suite 3, Woodcliff Lake, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 28-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of Engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Kevin J. Boswell, PE of Boswell McClave Engineering has agreed to provide engineering services as the Borough Engineer in accordance with an Agreement effective January 1, 2011, for an annual retainer of \$27,400.00 plus hourly services ranging from \$58.00 to \$166.00 per hour as described in said Agreement; and,

WHEREAS, Kevin J. Boswell, PE of Boswell McClave Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Kevin J. Boswell, PE of Boswell McClave Engineering has not made any reportable contributions to a political or

candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Kevin J. Boswell, PE of Boswell McClave Engineering from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivone to enter into a contract with Kevin J. Boswell, PE of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 29-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Richard A. Lustgarten, Esq. of Goodman & Lustgarten has agreed to provide legal services as Borough Attorney in accordance with an Agreement effective January 1, 2011, for an annual fixed fee of \$70,000, and for a billing rate of \$135 per hour, as described in said Agreement; and,

WHEREAS, Richard A. Lustgarten, Esq. of Goodman & Lustgarten has completed and submitted a Business Entity Disclosure Certification which certifies that Richard A. Lustgarten, Esq. of Goodman & Lustgarten has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Richard A. Lustgarten, Esq. of Goodman & Lustgarten from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Richard A. Lustgarten, Esq. of Goodman & Lustgarten, 59 Main Street, Suite 203, West Orange, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 30-11

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Board of Adjustment Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Robert F. Davies, The Davies Law Firm, P.A. 45 Essex Street, Suite 3 West, Hackensack, NJ 07601 has submitted a proposal effective January 1, 2011 indicating he will provide Board of Adjustment Attorney services for a rate of \$300.00 per meeting and an hourly rate of \$150.00 for the preparation of various documents as described in his agreement; and

WHEREAS, Robert F. Davies, The Davies Law Firm, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert F. Davies, The Davies Law Firm, P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Robert F. Davies, The Davies Law Firm, P.A. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with, Robert F. Davies, The Davies Law Firm, P.A. 45 Essex Street, Suite 3 West, Hackensack, NJ 07601 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 31-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has agreed to provide legal services as the Borough's Affordable Housing Counsel in accordance with an Agreement effective January 1, 2011, for a billing rate of \$150 per hour, as described in said Agreement; and,

WHEREAS, Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has completed and submitted a Business Entity Disclosure Certification which certifies that Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan, 571 Pompton Avenue, Cedar Grove, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 32-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has agreed to provide legal services as the Borough's Labor Counsel in accordance with an Agreement effective January 1, 2011, for a billing rate of \$150 per hour, as described in said Agreement; and,

WHEREAS, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C., 675 Morris Avenue, Suite 100, Springfield, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 33-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has agreed to provide auditing services as the Borough Auditor in accordance with an Agreement effective January 1, 2011, for rates as set forth therein, including a fee of \$27,900 for the annual audit,

WHEREAS, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and

that the contract will prohibit Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 34-11

WHEREAS, the Borough of Franklin Lakes has a need for the provision of appraisal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2011 to December 31, 2011; and,

WHEREAS, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 has agreed to provide appraisal services relative to the pending tax appeals within the Borough of Franklin Lakes as the Borough Appraiser in accordance with an Agreement effective January 1, 2011, for rates as set forth in his agreement dated December 9, 2010; and

WHEREAS, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. from making any reportable contributions through the term of the contract, and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 35-11

WHEREAS, the Borough of Franklin Lakes has a need to acquire Grant Seeking Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is January 1, 2011 to December 31, 2011; and

WHEREAS, the firm of Capital Alternatives Corporation, Demarest House-618 River Road, New Milford, NJ 07646 has submitted a proposal effective January 1, 2011 indicating they will provide Grant Seeking services for an amount as described in their agreement; and

WHEREAS, the firm of Capital Alternatives Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Capital Alternatives Corporation has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit the firm of Capital Alternatives Corporation from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with the firm of Capital Alternatives Corporation, Demarest House-618 River Road, New Milford, NJ 07646 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 36-11

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Planning Board Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, John A. Spizziri, Sr., Esq., P.A. has submitted a proposal effective January 1, 2011 indicating he will provide Planning Board Attorney services for a rate of \$200.00 per meeting and an hourly rate of \$150.00 for the preparation of various documents as described in his agreement; and

WHEREAS, John A. Spizziri, Sr., Esq., P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that John A. Spizziri, Sr., Esq., P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit John A. Spizziri, Sr., Esq., P.A. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with John A. Spizziri, Sr., Esq., P.A., 356 Franklin Avenue, Wyckoff, NJ, 07481, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 37-11

WHEREAS, TARA ROTA, filed real property tax appeal for the year **2010** [Docket No. **009063-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **284 Haven Road (Block 1413, Lot 3)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2010** were as follows:

2010

Land	\$ 579,500.00
Improvements	\$1,015,100.00
Total	\$1,594,600.00

and;

WHEREAS, the **2010** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2010

Land	\$ 579,500.00
Improvements	\$ 915,100.00
Total	\$1,494,600.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 38-11

WHEREAS, Hermogenes & Celia Ciocon, filed real property tax appeal for the year **2009** [Docket Nos. **009073-2009**]; and

WHEREAS, the real property assessments for the subject premises, located at **912 Cherokee Lane (Block 2101.09, Lot 9)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** were as follows:

2009

Land	\$1,020,600.00
Improvements	\$2,082,500.00
Total	\$3,103,100.00

and;

WHEREAS, the **2009** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2009

Land	\$1,020,600.00
Improvements	\$1,879,400.00
Total	\$2,900,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 39-11

WHEREAS, Stephen Yannalfo, filed real property tax appeal for the year **2009** [Docket No. **009064-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **275 Haven Road (Block 1413.01, Lot 2)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2010** were as follows:

2010

Land	\$ 662,500.00
Improvements	\$ 738,100.00
Total	\$1,400,600.00

and;

WHEREAS, the **2010** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2010

Land	\$ 662,500.00
Improvements	\$ 638,100.00
Total	\$1,300,600.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 40-11

WHEREAS, Salvatore & Valeria Fichera, filed real property tax appeal for the year **2009** [Docket Nos. **003681-2009**]; and

WHEREAS, the real property assessments for the subject premises, located at **17 Shinnecock Trail (Block 1106.05, Lot 9.01)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** were as follows:

2009

Land	\$1,397,000.00
Improvements	\$6,769,800.00
Total	\$8,166,800.00

and;

WHEREAS, the **2009** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2009

Land	\$1,397,000.00
Improvements	\$5,603,000.00
Total	\$7,000,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 41-11

WHEREAS, John Robinson, filed real property tax appeal for the years **2009 & 2010** [Docket No. **003327-2009 & Docket No. 004037-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **554 Hampton Hill Road (Block 1104, Lot 17)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** and **2010** were as follows:

	<u>2009</u>		<u>2010</u>
Land	\$ 959,300.00	Land	\$ 959,300.00
Improvements	\$2,311,000.00	Improvements	\$2,311,000.00
Total	\$3,270,300.00	Total	\$3,270,300.00

WHEREAS, the 2009 and 2010 tax appeals may be settled by reduction of the aforesaid assessments as follows:

	<u>2009</u>		<u>2010</u>
Land	\$ 959,300.00	Land	\$ 959,300.00
Improvements	\$2,140,700.00	Improvements	\$2,040,700.00
Total	\$3,100,000.00	Total	\$3,000,000.00

and;

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney that the settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Franklin Lakes be and hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Resolution 42-11

WHEREAS, **David & Joyce Picinich**, filed real property tax appeal for the year 2009 [Docket Nos. 010678-2009]; and

WHEREAS, the real property assessments for the subject premises, located at **220 Bayberry Lane (Block 1202.02, Lot 7)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year 2009 were as follows:

	<u>2009</u>
Land	\$ 626,000.00
Improvements	\$2,013,800.00
Total	\$2,639,800.00

and;

WHEREAS, the 2009 tax appeals may be settled by reduction of the aforesaid assessments as follows:

	<u>2009</u>
Land	\$ 626,000.00
Improvements	\$1,664,000.00
Total	\$2,290,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 43-11

WHEREAS, **William Scott & Leslie Adler**, filed real property tax appeal for the years 2009 & 2010 [Docket No. 008197-2009 & Docket No. 003847-2010]; and

WHEREAS, the real property assessments for the subject premises, located at **297 Oldswoods Road (Block 1201.02, Lot 16)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** and **2010** were as follows:

<u>2009</u>		<u>2010</u>	
Land	\$ 648,000.00	Land	\$ 648,000.00
Improvements	\$1,053,000.00	Improvements	\$1,053,000.00
Total	\$1,701,000.00	Total	\$1,701,000.00

WHEREAS, the **2009** and **2010** tax appeals may be settled by reduction of the aforesaid assessments as follows:

<u>2009</u>		<u>2010</u>	
Land	\$ 648,000.00	Land	\$ 648,000.00
Improvements	\$ 847,000.00	Improvements	\$ 847,000.00
Total	\$1,495,000.00	Total	\$1,495,000.00

and;

WHEREAS, the aforesaid settlement is consistent with the Borough’s review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough’s Assessor and by the Borough Attorney that the settlement is in the Borough’s interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Franklin Lakes be and hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Resolution 44-11

WHEREAS, **Charles M. & Eileen P. Seergy**, filed real property tax appeal for the year **2009** [Docket Nos. **003684-2009**]; and

WHEREAS, the real property assessments for the subject premises, located at **23 Shinnecock Trail (Block 1106.05, Lot 11)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** were as follows:

<u>2009</u>	
Land	\$1,380,000.00
Improvements	\$2,958,100.00
Total	\$4,338,100.00

and;

WHEREAS, the **2009** tax appeals may be settled by reduction of the aforesaid assessments as follows:

<u>2009</u>	
Land	\$1,380,000.00
Improvements	\$1,970,000.00
Total	\$3,350,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 45-11

WHEREAS, Kruno & Marina Kunkera, filed real property tax appeal for the year 2009 [Docket Nos. 006343-2009]; and

WHEREAS, the real property assessments for the subject premises, located at **715 Galloping Hill Road (Block 1607.07, Lot 3)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year 2009 were as follows:

<u>2009</u>	
Land	\$ 809,500.00
Improvements	\$1,943,600.00
Total	\$2,753,100.00

and;

WHEREAS, the 2009 tax appeals may be settled by reduction of the aforesaid assessments as follows:

<u>2009</u>	
Land	\$ 809,500.00
Improvements	\$1,590,500.00
Total	\$2,400,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 46-11

WHEREAS, Pat & Anna Faustini, filed real property tax appeal for the year 2009 [Docket Nos. 007019-2009]; and

WHEREAS, the real property assessments for the subject premises, located at **193 Birch Road (Block 2711, Lot 8)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year 2009 were as follows:

<u>2009</u>	
Land	\$ 730,000.00
Improvements	\$2,098,900.00
Total	\$2,828,900.00

and;

WHEREAS, the 2009 tax appeals may be settled by reduction of the aforesaid assessments as follows:

<u>2009</u>	
Land	\$ 730,000.00
Improvements	\$1,660,000.00
Total	\$2,390,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 47-11

WHEREAS, David P. Podell, filed real property tax appeal for the year **2009** [Docket Nos. **005425-2009**]; and

WHEREAS, the real property assessments for the subject premises, located at **501 Timberline Drive (Block 2711, Lot 6.01)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** were as follows:

2009

Land	\$ 642,500.00
Improvements	\$2,497,300.00
Total	\$3,139,800.00

and;

WHEREAS, the **2009** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2009

Land	\$ 642,500.00
Improvements	\$1,657,500.00
Total	\$2,300,000.00

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

Resolution 48-11

WHEREAS, Mekhail Mounir & Marian Hanna, filed real property tax appeal for the years **2009 & 2010** [Docket No. **009265-2009 & Docket No. 006303-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **703 Chestnut Place (Block 1314.04, Lot 21)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** and **2010** were as follows:

2009

2010

Land	\$ 587,300.00	Land	\$ 587,300.00
Improvements	\$ 536,400.00	Improvements	\$ 536,400.00
Total	\$1,123,700.00	Total	\$1,123,700.00

WHEREAS, the **2009** and **2010** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2009

2010

Land	\$ 587,300.00	Land	\$ 587,300.00
Improvements	\$ 512,700.00	Improvements	\$ 462,700.00
Total	\$1,100,000.00	Total	\$1,050,000.00

and;

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney that the settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Franklin Lakes be and hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

Resolution 49-11

WHEREAS, Myron Adler & Elaine Adler, filed real property tax appeal for the years **2009 & 2010** [Docket No. **008205-2009 & Docket No. 003842-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **910 Franklin Lake Road (Block 2101, Lot 1.05)** on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2009** and **2010** were as follows:

	<u>2009</u>		<u>2010</u>
Land	\$1,372,500.00	Land	\$1,372,500.00
Improvements	\$1,687,600.00	Improvements	\$1,687,600.00
Total	\$3,060,100.00	Total	\$3,060,100.00

WHEREAS, the **2009** and **2010** tax appeals may be settled by reduction of the aforesaid assessments as follows:

	<u>2009</u>		<u>2010</u>
Land	\$1,372,500.00	Land	\$1,372,500.00
Improvements	\$1,302,500.00	Improvements	\$1,302,500.00
Total	\$2,675,000.00	Total	\$2,675,000.00

and;

WHEREAS, the aforesaid settlement is consistent with the Borough's review of applicable property values for the subject property and comparable properties; and

WHEREAS, the Mayor and Council have been advised by the Borough's Assessor and by the Borough Attorney that the settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Attorney of the Borough of Franklin Lakes be and hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by the Borough Attorney in effecting said settlement be and they are hereby ratified and confirmed.

~~**Resolution 50-11** — Stipulation of Settlement — ITC Holdings — **REMOVED**~~

Resolution 51-11

WHEREAS, the Superintendent of Public Works has advised that the 2002 Bobcat Model T200-S/N-518916044 is in need of immediate repair; and

WHEREAS, this machine is valuable because of its small size it is used to clear snow where larger machines cannot such as the walking path and parking lots; and

WHEREAS, the Superintendent of Public Works has received a quote for the repair of this machine from Bobcat of North Jersey, 201 Maltese Drive, Totowa, NJ 07512 in the amount of \$6,540.00

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that a repair of the 2002 Bobcat Model T200-S/N-518916044 be authorized and a

payment in the amount of \$6,540 be made to Bobcat of North Jersey, 201 Maltese Drive, Totowa, NJ 07512; and

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

Resolution 52-11

WHEREAS, Senate S-818 and Assembly Bill A-2095 revise the requirements for emergency medical services delivery; and

WHEREAS, in New Jersey, when someone calls for an ambulance, in most areas, a volunteer first aid squad will respond; and

WHEREAS, the Emergency Medical Service Volunteers (EMS Volunteers) provide invaluable life saving services while responding to a wide variety of medical emergencies: and

WHEREAS, EMS volunteers are selfless individuals who provide aid to anyone who requires medical assistance under very difficult circumstances; and

WHEREAS, the New Jersey State First Aid Council opposes Senate Bill S-818 and Assembly Bill A-2095 because the Bills will impose unnecessary and burdensome regulatory and financial burdens upon volunteer first aid squads already understaffed and under-funded; and

WHEREAS, the Emergency Medical Technician Training Fund is a dedicated, non-lapsing, revolving fund, established to reimburse any entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or Recertification: and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 replace the "Emergency Medical Technician Training Fund" with the "Emergency Medical Services Training Fund" and permits the use of the fund by individuals and agencies other than for volunteer ambulance, first aid and rescue squad personnel; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 would remove the supervision and control of volunteer first aid squads from their respective municipalities to the New Jersey Department of Health and Senior Services; and

WHEREAS, New Jersey and more than 25 other states as well as the federal government require one (1) Emergency Medical Technician (EMT) along with one (1) other non-EMT to staff each ambulance. Senate Bill S-818 and Assembly Bill A-2095 will mandate each volunteer first aid squad to provide two (2) EMTs on every call; and

WHEREAS, the revisions contained in Senate Bill S-818 and Assembly Bill A2095 will result in a decline in the number of available volunteer ambulances in the EMS services and increase the financial burden on municipalities and volunteer first aid squads; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 place new and expanded rules, responsibilities and requirements on municipalities that will cause additional expense for municipalities without a funding source, thereby creating an unfunded mandate in violation of the New Jersey Constitution Article VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2; and

WHEREAS, the New Jersey State First Aid Council represents more than 20,000 EMS volunteers affiliated with more than 350 first aid and rescue squads throughout the State and the New Jersey State First Council has identified additional concerns that would adversely effect volunteer ambulance services and made them known to the bills sponsors; and

WHEREAS, the study upon which these bills are based is reported to contain inaccurate and inconsistent information about the New Jersey EMS System

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen, State of New Jersey, to oppose New Jersey Senate Bill 818 and New Jersey Assembly Bill A-2095; and be it further **RESOLVED** that the Borough Clerk shall forward a certified copy of this Resolution to the following:

- (1.) The Honorable Chris Christie, Governor of the State of New Jersey
- (2.) The Honorable Stephen M. Sweeney, President, NJ State Senate
- (3.) The Honorable Sheila Y. Oliver, Speaker of the NJ General Assembly
- (4.) Assemblyman Herb Conaway
- (5.) Senator Joseph Vitale
- (6.) The 40th District Legislators
- (7.) Franklin Lakes Volunteer Ambulance Corps

Resolution 53-11

WHEREAS, The Super Fund Amendments and Reauthorization Act of 1986, P.L. 99-499 (42 USC s. 9601 et. seq.) and The Emergency Planning and Community Right-to-Know Act, P.L. 99-499 sections 301-303 (42 USC 166) or 40 CFR part 355 are federal statutes that require jurisdictions to create Local Emergency Planning Committees; and

WHEREAS, New Jersey Statutes App. A: 9-41 requires that each municipality create a Local Emergency Management Council composed of not more than fifteen (15) members who shall be appointed, and serve at the pleasure of, the mayor or chief executive officer of the municipality; and

WHEREAS, The Emergency Management Act (New Jersey Statutes App. A: 9-41), establishes the membership of the Local Emergency Management Council and designates that the municipal emergency management coordinator be the chair; and

WHEREAS, This Local Emergency Management Council or Local Emergency Planning Committee membership must include: 1) elected officials, 2) police, fire, EMS, OEM and public health officials, 3) facility representatives, 4) representatives from community groups and 5) representatives of the media; and

WHEREAS, the mission of the Local Emergency Planning Council is to develop plans to minimize emergency situations, to ensure appropriate response to a release of a hazardous material and to create a forum to foster knowledge of chemical related hazards and protective measures; and

WHEREAS, pursuant to the New Jersey Emergency Act, the New Jersey Office of Emergency Management has published a form, the Local Emergency Planning Committee Ledger which is attached, for the annual designation of the Local Emergency Planning Committee;

NOW, THEREFORE, BE IT RESOLVED, that the municipality adopts the appointment of the Local Emergency Planning Committee members as attached for one year; and be it further

RESOLVED, that Mayor Frank Bivona of the Borough of Franklin Lakes be and is hereby authorized to execute said document.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk