

**MINUTES OF THE SUPPLEMENTARY MEETING
OF THE MAYOR AND COUNCIL**

MARCH 1, 2011

SPECIAL AND WORK SESSION MEETING

A Special Meeting of the Mayor and Council was held in the Municipal Building on March 1, 2011. Mayor Bivona opened the meeting at 7:30 P.M. and Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

ROLL CALL

The following Council Members and Professional Staff were present: Mayor Bivona, Councilwoman Lota, Councilman Kahwaty, Councilman Pedone, Council President Ramsey, Councilman Smith, Borough Attorney Lustgarten, Borough Administrator Hart and Borough CFO Pike. Councilman Friscia was absent this evening.

APPOINTMENTS

Borough Planner – Elizabeth McManus, Clarke Caton Hintz

Motion by Councilman Kahwaty to appoint Elizabeth McManus of Clarke Caton Hintz as Borough Planner. Councilwoman Lota seconded the motion. Discussion –None.

Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

Mayor Bivona suggested the creation of a sub committee of Councilmembers on COAH and he recommended Mr. Hart, Councilman Smith, Councilman Kahwaty and himself to be the members of that committee. Motion by Councilwoman Lota to have the Council appoint these individuals as a sub-committee to discuss COAH issues. Seconded by Councilman Pedone.

Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

OPEN TIME FOR PUBLIC COMMENT

Motion by Council President Ramsey to open the meeting to the public on matters other than the pool fencing ordinance. Seconded by Councilwoman Lota. Discussion – none. On voice vote, all in favor, motion approved.

No one from the public came forward. Motion by Councilman Pedone to close the public portion of the meeting. Seconded by Councilman Kahwaty. Discussion – none.

NEW BUSINESS

ORDINANCE 1514

**BOROUGH OF FRANKLIN LAKES
BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2011 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, an ordinance entitled CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK was introduced at a meeting of the Mayor and Council held on the 1st day of March, 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 1514 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1514 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of April, 2011, at 7:30 pm in the evening or as soon thereafter as the matter can be reached in the Conference Room 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 1514; and,

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

Resolution introduced by Councilman Smith. Seconded by Councilman Kahwaty. Discussion - Mr. Hart explained that State law allows the Mayor and Council to bank unused funds in the 3 ½% appropriations cap. The law allows this amount to be banked for an additional two years. He stated that to his knowledge there have been no problems associated with the appropriations cap in Franklin Lakes, and this is a precautionary ordinance. Mr. Hart added that he does not foresee a future need for these funds which are in the amount of \$386,137.

Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

INTRODUCTION OF THE 2011 MUNICIPAL BUDGET

Resolution 70-11a

BE IT RESOLVED, that the following statements of Revenue and Appropriations shall constitute the local budget for the year 2011, and

BE IT FURTHER RESOLVED, that the said budget be published in the March 11, 2011 issue of The Ridgewood News, together with a notice to the public that the public hearing will be held in the Municipal Building on April 20, 2011 at 7:30 PM or as soon thereafter as the matter can be reached by the Governing Body of the Borough of Franklin Lakes, and does hereby appropriate the following as the budget for year 2011:

| | |
|-------------------------------------|------------------------|
| Appropriations | |
| Municipal Purposes in Cap | \$11,670,890.00 |
| Municipal Purposes out Cap | 2,998,382.00 |
| Reserve for Uncollected Taxes | <u>\$ 1,035,000.00</u> |
| Total General Appropriations | \$15,704,272.00 |
| Less Anticipated Revenue other than | |
| Current Taxes | <u>\$ 5,090,174.00</u> |
| Amount to be raised by taxation | \$10,614,098.00 |

Resolution introduced by Councilman Smith. Seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

Council President Ramsey thanked the Finance Committee for their time and effort that went into the drafting of the budget. Councilman Smith recognized Mayor Bivona for the exceptional amount of work he put into this year's budget and said that he deserves credit for a document that will satisfy the taxpayers of Franklin Lakes.

SWIMMING POOL FENCE ORDINANCE

Mayor Bivona reported that a large amount of input, both positive and negative, has been received regarding the proposed swimming pool fence ordinance. He said that this is the time for comments from members of the public and asked anyone wishing to speak to come forward now. Seeing no one, Mayor Bivona closed this public input portion of the discussion for the swimming pool fence ordinance. Mayor Bivona stated that he would meet with Mr. Lustgarten on Monday to draft the ordinance and he invited other Councilmembers to join them.

Councilwoman Lota said that there is some misconception that that the specific pool has to be fenced which is incorrect. It is the property that must be fenced. Hot tubs with covers and coy ponds do not have to be fenced. The ordinance requires that a property with a pool that is not fenced is required to be fenced within 6 months. Mayor Bivona feels that this imposes an immediate burden on long time residents of the Borough and he suggested that the ordinance take effect upon sale of the property to allow the new owner 6 months to comply with the fencing requirement. He added that any pools that are not in use should be required to have the appropriate permanent cover for safety reasons. Councilman Kahwaty agreed with Mayor Bivona and said that fencing a property could be a significant financial burden for some residents. He had to fence his property recently due to a change in homeowner's insurance and the cost was in the area of \$10,000.

Mr. Hart said that when there are items to be completed that could potentially hold up a closing, the Borough often requires the posting of a bond pending completion of that work. In this case, a bond would be posted from the closing proceeds and when the fence is installed the bond would be returned. Mr. Lustgarten suggested that the amount of escrow be worked out between the seller and the buyer but it should be posted by the buyer and returned to that buyer when the fence is installed. If the fence is not installed after 6 months, a per diem fine could be implemented. Councilman Smith was not in favor of collecting escrow and said that the CCO should indicate that the property has to be fenced within 6 months so that the buyer is put on notice. After 6 months, the Borough has the right to fine the homeowner.

Mr. Lustgarten reiterated that collecting the escrow is more of an incentive to install the fence than a fine would be. He recommended drafting several different versions, one requiring a CCO and escrow; one imposing a fine. The Council could then review both ordinances and decide which one best fits the needs of the Borough.

Mayor Bivona suggested an ordinance that would require fencing upon transfer of the property within 6 months after the transfer of the property, without escrow, but with fines to be levied at that time. Mr. Hart said that potential fines would be in the range of \$100 to \$200 per day. Councilwoman Lota agreed that some money should be put in escrow as well as a fine if the fence was not installed within 6 months. She recommended that the amount of \$10,000 should be put in escrow and Mr. Lustgarten recommended 150% of the estimated costs. He added that the consensus regarding a CCO transfer would be 6 months in which to install the fence or a fine would be issued. There doesn't seem to be a consensus regarding the posting of escrow. Mr. Lustgarten indicated that he would draft the ordinance with Mr. Hart for introduction on March 15th and a sentence regarding escrow can be added at the next meeting if necessary.

CONSENT AGENDA RESOLUTION

Resolution 71-11

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 72-11 Accept Report of the Finance Committee
Resolution 73-11 ITC Stipulation of Settlement
Resolution 74-11 Professional Service – Borough Planner
Resolution 75-11 Emergency Temporary Appropriations

Resolution introduced by Councilwoman Lota. Seconded by Councilman Pedone.
Discussion – None.

Ayes: Kahwaty, Lota, Pedone, Ramsey and Smith

Nays: None

Abstain: Councilmembers Ramsey and Smith on ITC Stipulation of Service

MAYOR'S REPORT

Mayor Bivona thanked the Borough staff, employees, Department Heads and the Finance Committee for their efforts in connection with the 2011 budget. He reported that gains in efficiencies are continuing. The increase in the tax levy is \$361,000 under the statutory cap and the increase relates to effective contractual salaries and benefits which have been somewhat offset by decreases in operating expenses. Due to the re-assessment that was completed last year, municipal taxes on the average home in Franklin Lakes will decrease by \$58.00.

Mayor Bivona said that goals that were set last year have made a significant impact. There had been a dramatic decline in surplus over the last several years and at the end of 2010, the surplus was \$2,290,000 which is \$50,000 higher than the tend of 2009, and represents a stabilization. Mayor Bivona stated that the other goal was to reduce debt. Debt increased from a high of \$16.7 million at the end of 2008, to \$15.8 million at the end of 2009, and it is down to \$15.4 million at the end of 2010. While these are not dramatic decreases, the decline is apparent. The debt may be reduced to \$14 million by year's end according to some estimates if money owed to the Borough by Green Acres, among other things, is collected. Mayor Bivona said that for the second year in a row revenues equal expenses and this paves the way for the Borough to meet the 2% tax cap levy for many years to come. A stabilized surplus and lessening debt along with better tools to manage expenses should result in little change in property taxes for the foreseeable future.

Mayor Bivona thanked Councilmembers Pedone and Smith for their efforts. He noted that this process began several years ago with painful reductions in expenses and this proves that what you do today has a lasting effect down the road.

Mayor Bivona announced that a Communications Task Force has been established to advise Mr. Hart on the drafting of the comprehensive communication plan that will be brought back to the Council for their review. The goal is to provide an improved and more effective communications mechanism for the Borough whether it be services, happenings, developments, Council developments, etc. This process will come back to the Council for approval.

Mayor Bivona stated that there will be a meeting shortly regarding the establishment of a public events committee. This committee will advise on the coordination of community events with the goal of increasing awareness, participation and ultimately the enjoyment of the event. Borough events are sometimes lacking in participation and the committee hopes to get more people involved and increase awareness. The committee will report back to the Mayor and Council to give a sense of what is developing.

Mayor Bivona said that he is working with the Recreation Director to develop a plan for the Mayor's Wellness Program. The program promotes exercise and a healthy life style which is important and Mayor Bivona has enlisted the Recreation Director as the lead

who will work to incorporate the four events that are planned. This plan will be meshed with the public events committee and it will come back to the Council for review.

Mayor Bivona stated that a new planner has been engaged and a committee formed to immediately address the Borough's potential COAH obligations. They have met with the objectors to the previous plan and perspective developers to focus on addressing the situation immediately.

Mayor Bivona referred to safety and reported that the McCoy Road intersection at Colonial Road has been addressed. A sign indicating "No Left Turn" has been installed and the County will provide a blinking light along with additional improvements in the future. Mayor Bivona reported that letters were sent to various parties regarding the Pulis Avenue railroad crossing and the responses were included in the Councilmember's packets.

BOROUGH ENGINEER'S REPORT

Eileen Boland, of Boswell Engineering, reported that the Borough has received a letter from the Ridgewood Water Company stating that four hydrants they thought were in Wyckoff are actually located in Franklin Lakes. There are two hydrants on Wayfair Circle, one on Vance Avenue and another at the High School. Ridgewood Water Company will be billing the Borough \$94.30 annually for maintenance costs. United Water was contacted concerning these hydrants and they confirmed that this small section of Franklin Lakes is serviced by Ridgewood Water.

Ms. Boland referred to a riparian zone ordinance which is a DEP requirement for all municipalities. At first, the Borough felt that this was covered under the Flood Hazard Control Act, however, the State wants municipalities to help with enforcement. A draft ordinance has been prepared and Councilman Smith suggested preparation and associated engineering costs should be paid by Northwest Bergen Utilities since the ordinance is sewer related. Ms. Boland said that a model ordinance was handed down by the State and there wasn't much work involved but she will check into this. A daily \$500 violation penalty was added on page 6 of the ordinance. Ms. Boland recommended that the ordinance be adopted and added that this is no more restrictive than the Flood Hazard Control Act for any homeowner wanting to do work who has a stream or any type of water on their property.

Council President Ramsey said that the Environmental Commission would probably be very interested in this ordinance and Mr. Hart said he would get it to them. The ordinance is time sensitive due to the connection with the Stormwater Management Plan which is tied to the Northwest Bergen Utilities sewer project. Mr. Hart recommended that Mr. Lustgarten review the ordinance who pointed out that page 6 gives private citizens the right of enforcement in addition to public officials which is unusual. He stated that citizen enforcement opens the door for neighbor versus neighbor confrontations and this needs to be revised.

There was a short discussion on the Road Program and Mayor Bivona stated that a meeting on the capital budget is overdue. Mr. Hart said that he would meet with the Finance Committee by next week. Councilwoman Lota commented that the asphalt curbing on Birch Road has taken a beating with the snow plows this winter.

COMMITTEE /LIAISON REPORTS

PUBLIC WORKS

Councilwoman Lota did not have a report this evening.

ENVIRONMENT & COMMUNITY AFFAIRS

Councilman Friscia was absent this evening and Council President Ramsey reported that the Environmental Committee did not meet this month.

Council President Ramsey stated that Jeff Jost, the Juvenile Officer, is eager to raise some money for the DARE program. Oakland has used a clothing bin placed at the Police Station which has been a successful fund raiser. Officer Jost would like to have a clothing bin placed at the Police Station where it would be monitored.

Mayor Bivona announced that the Borough will honor Janis Strauss of the Municipal Alliance at the March 15th meeting. Council President Ramsey said that a long time ambulance member, Laura Farb, is moving out of town and she suggested that Ms. Farb also be recognized. Mayor Bivona stated that Cheryl Welch, a young veterinarian who ran the Franklin Lakes Veterinary Hospital, recently passed away and he said that there has been an outpouring of support by members of the community. He has received several suggestions of how Ms. Welch could be recognized and the Council will come to an appropriate way to recognize Ms. Welch's contribution to the Borough.

Councilman Pedone referred to the dangerous left hand turn at the Shopping Center. He stopped there one morning to observe the situation and found that parents are stopping at a green light in order to drop their children off at Franklin Avenue Middle School. The children then cross the street against the light. He also noted that there is no signage at all indicating that a school is ahead. Councilwoman Ramsey will speak to Bob Lyon about this situation.

PLANNING & DEVELOPMENT

Digital Signage

Council President Ramsey referred to a letter from Steve DiFlora, Chairman of the Zoning Board of Adjustment and said that she agrees that LED signs are distracting and annoying. These signs should be prohibited. Mr. Lustgarten stated that the signs that blink constantly are the most distracting. He said that the League of Municipalities has a model ordinance that he could use to tailor an ordinance for Franklin Lakes. Mr. Hart suggested that a draft ordinance be referred to the Planning Board for comments. The ordinance will be re-listed for the April work session.

RECREATION AND PARKS

Councilman Pedone reported on a meeting of the Parks and Recreation Committee which was attended by Councilwoman Lota. The Committee voted on the fees for indoor training for the traveling team. The fee is \$232 for indoor and outdoor training respectively, which is to be paid by the parents, and \$322 for both indoor and outdoor training. Councilman Pedone referred to the fee listed in the existing ordinance for traveling teams which is \$115. It is being raised to \$125 if the child want extra clinics. Mr. Hart said that an ordinance for introduction would have to be listed on the March 15th meeting agenda. This is the first time indoor and outdoor training will be offered and the new fees will cover the cost of the trainers. Councilmembers indicated agreement with the revised fees.

Councilman Pedone referred to the Concussion Procedure Plan and said that testing will be implemented for all football players and onfield professional trainers for all home games. A contract will be forwarded to Mr. Hart. This item will cost \$500 for football players and is included in the budget. The other charge of \$1,500 is for professional trainers and is not included in the budget. The policy, requiring parents' signatures, will also be given to soccer players since there are twice as many concussions in soccer. Councilman Pedone added that this is a great program that has been reviewed by a local doctor and conforms to JIF requirements.

Councilwoman Lota said that she is concerned that only one company does the testing. Mayor Bivona said that the letter requiring the parents' signature is the important factor. Councilwoman Lota said that she isn't familiar with the testing and she asked if the Borough would be held liable if the results of the testing are questioned. She questioned

the qualifications and certifications of the trainers because the Borough's Ambulance Corps needs to have an idea if treatment has been done. Mayor Bivona said that the coach and the trainer need to be able to recognize immediately that a concussion has occurred and the player must be removed from the field at that time for baseline testing. After that, the responsibility shifts back to the doctor and the parents.

Mr. Hart recommended that the program be reviewed by the Risk Manager and the Borough Attorney. Mayor Bivona said that this would be an excellent procedure for all sports groups to follow; however, more work needs to be done before proceeding further.

Councilman Pedone reported on the Town Fair and said that a budget and time line has been developed. The Lions Club which is a 501C has volunteered to handle the games of chance. The date for the Town Fair is September 24th.

ADMINISTRATION AND FINANCE

Councilman Smith had no report this evening.

PUBLIC SAFETY

Council President stated that the improvements at McCoy Road, including the left hand turn, was discussed earlier this evening. She asked that any other concerns be brought to the attention of the Traffic Safety Officer.

Councilwoman Ramsey reported that she attended the WOLF meeting with Mr. Hart. The Fire Chiefs from the three towns also attended and everyone agreed that they would like to see more cooperative purchasing for equipment. Mr. Hart said that the WOLF meetings are highlighting respective departments from the three municipalities and Police Chiefs and Public Safety Directors will be at the next meeting. It is important to get the department heads involved in the cooperative services process.

Mayor Bivona stated that he had received responses to two of the three letters he sent regarding the railroad crossing incident. Council President Ramsey noted that there were immediate responses from Gary Ascolese, County Engineer and Kathleen Donovan, County Executive concerning safety measures at the site.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart stated that photos are being taken of most of the Borough employees which will be posted on the Borough website. This is being done to promote the Borough employees and make people more aware of the people behind the titles and behind the scenes. Ms. Bleeker, the Borough Clerk, said that she would set up an appointment to have the photographer at the March 15th meeting for photos of the Councilmembers.

Mr. Hart explained the e-Fax system which allows faxes to be sent and received through emails. This will eliminate the need for the 13 fax lines in the Borough which will be more efficient and less costly.

Mr. Hart reported that interviews of four applicants for the position of recording secretary at the Planning Board have been set up this week and he will make a recommendation to the Mayor and Council shortly. Mr. Hart is hoping that the new Tree Ordinance can be considered at the April work session. The ordinance must also be reviewed by the Planning Board.

Mr. Hart noted that the Mayors of the WOLF towns are signing off on 5 resolutions which have already been adopted by Wyckoff. The resolutions will be distributed via email tomorrow and have been endorsed by Bergen JIF. These resolutions support the following: immunities for beaches, board walks and similar properties; immunities for sidewalk injuries where the homeowner is responsible for sidewalk maintenance; amendment to Title 59 by strengthening weather immunity; a repeal of sick leave injury programs; and the capping of attorney's fee in litigation cases against public entities. Mr. Hart pointed out that all of the resolutions limit municipal liability.

Mr. Hart reported that the Borough was contacted yesterday by the Bergen County Housing Authority stating that the Housing Authority would no longer be administering Affordable Housing. The administrative agent administers all affordable housing at Mill Pond and the Borough needs to contract for the position of affordable housing administration going forward. Jennifer Crespo, the Deputy Clerk, has received training on the electronic submission reports and she is helping to research alternatives for Administrative agents. Mr. Hart hopes to report back with a recommendation.

Councilman Smith questioned the amount being paid for the administrative agent and suggested that this be done in-house to save money. Mr. Hart indicated that he has experience with this and he didn't think that was a good idea, however, he will look into it and get the information to the Councilmembers for discussion.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

Council President Ramsey noted that Mayor Bivona attended the Water Rescue Drill held in Wyckoff and she said that there are photos of the Wyckoff Fire Department on the Wyckoff Borough website. She said that this would be an opportunity for shared services with Wyckoff supplying the equipment. Council President Ramsey stated that the Police had requested that a sign prohibiting ice skating and ice fishing be put up at the reservoir.

Councilman Smith reported that he, Mr. Hart and Council President Ramsey met with the Head of the Bergen County Chief's Association and the New Jersey State Chief's Association, however, he did not feel that any useful information was gained.

Mr. Lustgarten requested that a discussion on tax appeals be deferred to the April Work Session. Councilmembers indicated agreement.

Frank McMahon, a reporter for the Villadom News, suggested that a report be issued containing specific facts and background regarding the budget.

ADJOURNMENT

Motion by Councilman Kahwaty to adjourn the meeting at 9:08 P.M. Councilman Pedone seconded the motion. Discussion – none. On voice vote, all in favor, motion approved.

Resolution 72-11

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 \$5,535,610.30 as shown on the Claims Bill List; and \$4,484.75 as shown on the Soil Account Bill List; and \$1,198.50 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED that the payroll of February 3, 2011 in the amount of \$260,602.17 and that the payroll of February 17, 2011 in the amount of \$248,842.31 be hereby ratified and approved.

Resolution 73-11

WHEREAS, ITC HOLDINGS, LLC, filed real property tax appeals for the years 2007, 2008, 2009 & 2010, (DOCKET NOS: 010003-2007, 003374-2008, 006221-2009 & 009473-2010)

WHEREAS, the taxpayer agrees to withdraw tax appeals for tax years 2007, 2008 & 2009.

WHEREAS, the real property assessment for the subject premises located at several addresses, block and lot numbers on the Tax Assessment Map of the Borough of Franklin Lakes for the year 2010, are more particularly set forth on Schedule A attached.

WHEREAS, the 2010 tax appeal may be settled by reduction of the aforesaid assessment as more particularly set forth on Schedule A.

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 74-11

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Professional Planner 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 March 1, 2011 through December 31, 2011; and

WHEREAS, Elizabeth McManus of Clarke Caton Hintz has submitted a proposal effective March 1, 2010 indicating she will provide Professional Planning services for an amount as described in his agreement; and

WHEREAS, Elizabeth McManus of Clarke Caton Hintz has completed and submitted a Business Entity Disclosure Certification which certifies that Elizabeth McManus of Clarke Caton Hintz 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 Elizabeth McManus of Clarke Caton Hintz 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 Elizabeth McManus of Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08609, 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 75-11

WHEREAS, the CY 2011 budget has not been adopted, and adequate provisions could not be made in the CY 2011 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

WHEREAS, the total emergency temporary resolutions adopted in CY 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$569,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

1. That emergency temporary appropriations be and the same are hereby made for:

| | |
|--|------------|
| Insurance | 100,000.00 |
| Employee Group Health Insurance | 90,000.00 |
| DPW - Streets & Roads Maintenance – OE | 40,000.00 |
| Vehicle Maintenance – O&E | 20,000.00 |
| Municipal Library | 100,000.00 |
| Utility Expenses: Street Lighting | 2,000.00 |
| Telephone | 5,000.00 |
| Water | 2,000.00 |
| Telecommunications Costs | 2,000.00 |
| Gasoline | 15,000.00 |

2. That said emergency temporary appropriations be provided for in the CY 2011 adopted budget.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Respectfully submitted,


Sally T. Bleeker, Borough Clerk