

**MEETING OF THE MAYOR AND COUNCIL**  
**June 21, 2011**  
**7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, June 21, 2011 in the Municipal Building.

**MEETING CALLED TO ORDER**

**ROLL CALL**

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

**SUNSHINE LAW STATEMENT**

Deputy Borough Clerk, Jennifer Crespo, read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PROCLAMATION**

**Eagle Scout – Colin Knight**

**WHEREAS**, On June 25, 2011, Boy Scout Colin Knight will be recognized by the Boy Scouts of America for successfully completing all requirements for Scouting's highest rank; and,

**WHEREAS**, we are gathered here on this occasion, as friends, family and members of the Scouting community to support him on his attainment of the rank of Eagle Scout and to recognize the faithful and steady path taken within the Scouting organization; and,

**WHEREAS**, Scouting, for both boys and girls, has been an integral part of the community of Franklin Lakes as well as a positive influence for many years, and we note that the Boy Scouts of America is celebrating their 100<sup>th</sup> anniversary year within the United States of America; and,

**WHEREAS**, we commend Colin on his Eagle project, which included replacement and restoration of the patio and front garden at the New Jersey Audobon Society's Lorrimer Nature Sanctuary in Franklin Lakes with new stone pavers, painting the front door and side panels, trimming bushes, clearing and replanting flower beds, and creating a new flower bed using the bricks from the old patio entrance; and,

**WHEREAS**, Colin, with the help of 22 Scouts, has brought new life to the façade of the lovely historic Lorrimer Sanctuary building;

**NOW THEREFORE, I, FRANK BIVONA**, Mayor of the Borough of Franklin Lakes, on behalf of the Mayor and Council and the residents of the Borough, do hereby recognize and congratulate **COLIN ANDREW KNIGHT, EAGLE SCOUT**, for this outstanding accomplishment, extend to him our deepest appreciation for all of his hard work, and wish him the best in all of his future endeavors.

**IN WITNESS HEREOF**, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 21<sup>st</sup> day of June, 2011.

## **Eagle Scout – Michael Piccoli**

**WHEREAS**, On June 25, 2011, Boy Scout Michael Piccoli will be recognized by the Boy Scouts of America for successfully completing all requirements for Scouting's highest rank; and,

**WHEREAS**, we are gathered here on this occasion, as friends, family and members of the Scouting community to support him on his attainment of the rank of Eagle Scout and to recognize the faithful and steady path taken within the Scouting organization; and,

**WHEREAS**, Scouting, for both boys and girls, has been an integral part of the community of Franklin Lakes as well as a positive influence for many years, and we note that the Boy Scouts of America is celebrating their 100<sup>th</sup> anniversary year within the United States of America; and,

**WHEREAS**, we commend Michael on his Eagle project; the restoration and beautification of the physical fitness path at the Colonial Road School in Franklin Lakes, including removal of trees and debris, laying mulch, building two park benches and setting them in concrete, and repairing park equipment; and,

**WHEREAS**, the project, involving 25 Scouts, helped allow the children to once again enjoy an outside gym class and, as a special benefit, autistic children have also been able to enjoy the physical fitness path;

**NOW THEREFORE, I, FRANK BIVONA**, Mayor of the Borough of Franklin Lakes, on behalf of the Mayor and Council and the residents of the Borough, do hereby recognize and congratulate **MICHAEL CAMERON PICCOLI, EAGLE SCOUT**, for this outstanding accomplishment, extend to him our deepest appreciation for all of his hard work, and wish him the best in all of his future endeavors.

**IN WITNESS HEREOF**, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 21<sup>st</sup> day of June, 2011.

### **RECOGNITION OF CERT VOLUNTEERS**

Mayor Bivona explained this certificate was in recognition of the members of our Emergency Response Team. He read the certificate that all members will receive, and with assistant from Councilman Kahwaty, he read the names of the individuals who will receive it. The following people who received the certificate were:

John Benedetto	Gail Lowenstein	Christopher Russo
Noelle Benedetto	Robert B. Odell, Jr.	Lori Russo
Dr. Andrew Dellapi	Donald Osenbruck	Constantine Skamas
Craig Goldman	Lynn Pagano	Ronald Smith
Dave Kampschmidt	Joni Parekh	Denise Tulp
Mike Koeller	Jill Piccoli	Herb Umland
Diane Lane	Michael Piccoli	Judy Vernon
Constantine Lenas	Christopher Pontrelli	Robert Wolfgang, Jr.

### **APPOINTMENTS**

#### **Board of Health Appointments**

The following individuals were appointed to the Board of Health by Mayor Bivona:

June Linz Fill Unexpired Term

Carlos Perez Alternate #1

#### **Zoning Board of Adjustment** **Franklin Lakes Fire Department**

Motion was made by Councilman Kahwaty and seconded by Councilman Smith to make the following appointments:

Zoning Board of Adjustment- Alexandra Schoenberg Alternate #2

Franklin Lakes Fire Department – Michael Piccoli

Roll Call Vote:

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

**OPEN THE TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilwoman Lota. Seconded by Councilman Kahwaty.

Roll Call Vote:

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

Philip Tornetta, 9 Hilltop Terrace. This resident came forward to express his concerns about the growing bear problem which he believes has become serious. Last week he witnessed a bear actually climb over the fence and then go into the next neighbor's yard. When he called the police the dispatcher said there was nothing that could be done and was told to just let the bear go on his way. He called Senator Russo's office who then called Governor Christie's office who then contacted the DEP.

He would like something more to be done. His neighbors have small children and it's interfering with the use of his property. He said that he believes the Borough Administrator Greg Hart and the Police are doing a great job and always respond to him. He would just like to know what more can be done.

Robert Medeiros, 889 Roberts Court. This resident also came forward to talk about the bear problem. He spoke about his background with hunting. He also spoke about what NJ Fish and Wildlife considers an idea and safe habitat. He also talked about what his neighborhood is made of. It's 5 % wooded and 95% residents, meaning that people can come face to face with bears easily.

Soon these bears will be mating and many of the bears will become habitual bears. Habitual bears become accustomed to garage doors opening and pots banging and air horns. NJ Fish and Wildlife has different classifications of bears. A Class III is a normal bear that just passes through and is not too interested in staying in the area. The bear in their area has become a Class II bear which is a nuisance bear, not yet a threat to a person or property. It's considered a habitual visitor. He doesn't want to see what happens when a Class II becomes a Class I bear.

He described what constitutes a Class I bear. He also advised the Council how much damage the bear in their neighborhood has already caused, specifically about \$500 worth of damage to some lattice work. He also explained that Black Bears don't really hibernate in the winter either. They will get up and roam around in the winter.

Mr. Medeiros wanted to know if more than 2 officers can be trained to recondition the bears. He understands that the Public Safety Director does not want to use pyrotechnics because of the risk of fire. He wanted more officers to be trained in the use of slugs to recondition the bears.

Mayor Bivona responded by saying that he is concerned about the bears and has experienced bears on his property. He has spoken with the State about this problem and they have been very responsive. He went through some information regarding Black Bears. There are 3,400 Black Bears in Northern NJ which is the densest in the nation.

Mayor Bivona would like the bear removed but it's important to know that doing this is only a temporary solution because there would be another bear moving in right behind the one removed. According to the NJ Fish and Wildlife these bears are here to stay for at least the next 5 to 6 years. We will not see a decline in population for some time so we must learn to minimize the dangers and protect our citizens and learn to live with them.

There are only 4 people in the whole State who deal with the Black Bear issues. Their resources are stretched very thin and they deal with issues on a priority basis. The Police have been very responsive as well. He reads the Police reports everyday and the Police are dealing with the bears on a daily basis. At times the Police may sound nonchalant, but that is only because they are dealing with them every day.

The Police do try to move the bear along. Right now they are using air horns to move them along to other areas. The Borough has held open meetings here before with NJ Fish and Wildlife and another session is happening again very soon.

The Borough has asked residents to keep their garbage inside and to put it out for collection at the last possible moment before collection. They have also asked that residents remove bird feeders which many have refused to do. If we don't feed the bears they will go away. They are here for food.

The State will not remove bears unless they are deemed aggressive under their definition. Right now the bears we have in the Borough do not meet that definition. Last year there was a bear that was killing livestock and was considered aggressive. The NJ Fish and Wildlife wanted to come down and remove it but the homeowner's refused to let them on their property.

If there is a problem NJ Fish and Wildlife is more than willing to do something. The Police are able to take any necessary action to take down a bear if they feel there is a threatening situation. They have the full ability and support of the NJ Fish and Wildlife to put down the bear. They will do so in an appropriate manner.

The Police who have been trained have been authorized to use rubber pellets to start conditioning the bears that have become habitual. This will not solve the problem as other bears can move in. The Police will only use rubber bullets or take down a bear if the correct opportunity presents itself. The safety of the residents will always come first.

Mr. Medeiros said that the Police have been great. He does not believe that NJ Fish and Wildlife are doing the best job. Mayor Bivona said he disagrees. His point is that people need to have the number to report the issues. Mayor Bivona said that the number is on the Borough website.

Mr. Medeiros would just like to see more Police trained with better equipment.

Motion to close the time for public comment was made by Councilman Smith. Seconded by Councilman Kahwaty.

Roll Call Vote:

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

**PUBLIC HEARINGS**

**ORDINANCE 1521 CAPITAL ORDINANCE**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE OF VARIOUS ITEMS AND CERTAIN CAPITAL IMPROVEMENTS, AND APPROPRIATING \$80,000.00 FOR SAID PURCHASES AND IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY**

**WHEREAS**, an ordinance entitled, AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE OF VARIOUS ITEMS AND CERTAIN CAPITAL IMPROVEMENTS, AND APPROPRIATING \$80,000.00 FOR SAID PURCHASES AND IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY was introduced at a meeting of the Mayor and Council held on the 17th day of May 2011 and duly published by law;

**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 1521 be and the same is hereby adopted on second and final reading; and,

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

Motion to open the hearing to the public and read by title only was made by Councilman Smith . Seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

No one from the public came forward.

Motion to close the time for public comment was made by Councilman Smith. Seconded by Councilman Kahwaty. Discussion – none.

Roll Call Vote:

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

Resolution read and introduced by Councilman Smith, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**ORDINANCE 1522 AMEND SALARY ORDINANCE**

**AN ORDINANCE AMENDING ORDINANCE NO. 1518 ENTITLED "AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2011"**

**WHEREAS**, an ordinance entitled, AN ORDINANCE AMENDING ORDINANCE NO. 1518 ENTITLED "AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2011" was introduced at a meeting of the Mayor and Council held on the 9th day of June 2011 and duly published by law;

**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 1522 be and the same is hereby adopted on second and final reading; and,

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

Motion to open the hearing to the public and read by title only was made by Councilman Kahwaty. Seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

No one from the public came forward

Motion to close the time for public comment was made by Councilman Smith. Seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

Resolution read and introduced by Councilman Smith, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**CONSENT AGENDA RESOLUTION**

**Resolution 159-11**

**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 160-11    Accept Report of the Finance Committee
- Resolution 161-11    2011-2012 Liquor License Renewal
- Resolution 162-11    Award Contract 2010 Community Development ADA Ramps
- Resolution 163-11    Award Contract 2011 Road Improvement Contract
- Resolution 164-11    Award Contract DPW Uniforms to American Wear
- Resolution 165-11    Supporting S-2762/A-4084 Property Tax Refunds
- Resolution 166-11    Opposing A-3285 Cost Estimates in Bids
- Resolution 167-11    Designation of Bergen County Community Development  
Representatives
- Resolution 168-11    Designation of Bergen County Open Space Representatives

Resolution read and introduced by Councilman Smith, seconded by Councilman Kahwaty. Discussion – None

Roll Call Vote:

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

**RESOLUTIONS**

**Resolution 169-11**  
**Authorizing Inclusion in the Bergen County Community Development Program**

**WHEREAS**, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

**WHEREAS**, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

**WHEREAS**, by July 8, 2011, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

**WHEREAS**, it is in the best interest of the Borough of Franklin Lakes and its residents to participate in said programs; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011

Resolution read and introduced by Councilman Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**Resolution 170-11  
Authorization for Advertisement for Bids - Mason Dump Truck**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator be authorized to advertise for bids for a 2011 Mason Dump truck.

Resolution read and introduced by Councilwoman Lota, seconded by Councilman Smith.  
Discussion – none.

Roll Call Vote:

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

**ACTION ON MINUTES**

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

- May 03, 2011 Closed Session
- May 17, 2011 Closed Session
- May 03, 2011 Worksession Meeting
- May 17, 2011 Regular Meeting

Discussion – None.

Roll Call Vote:

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

**OLD BUSINESS**

Councilwoman Lota reported that the Building Committee does have an update in regards to the work that is going on at the Police headquarters. Greg Hart, Borough Administrator advised that they consulted with an architect. Because the walls and the studs are deteriorating it was decided by the committee that we needed an architect to handle this. They will have to excavate out the back walls along the driveway to see what type of water infiltration is occurring. They have some quotes coming in from excavators. Insurance money will cover these repairs.

**NEW BUSINESS**

One Day Liquor License – St Joseph’s Hospital & Medical Center – Indian Trail Club 9-30-11

One Day Liquor License – A-T Children’s Project – Endless Vine 7-21-11

**ORDINANCE 1523**

**AN ORDINANCE AMENDING CHAPTER 446 "TOWING" OF THE CODE OF THE BOROUGH OF FRANKLIN**

**WHEREAS**, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 446 "TOWING" OF THE CODE OF THE BOROUGH OF FRANKLIN was introduced at a meeting of the Mayor and Council held on the 21st day of June, 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 1523 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1523 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July, 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 1523; 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 Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote:

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

**ORDINANCE 1524**

**AN ORDINANCE AMENDING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND FEE REQUIREMENTS FOR STREET EXCAVATION PERMITS**

**WHEREAS**, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND FEE REQUIREMENTS FOR STREET EXCAVATION PERMITS was introduced at a meeting of the Mayor and Council held on the 21st day of June, 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 1524 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1524 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July, 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 1524; 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: Kahwaty, Lota, Smith  
Nays:  
Abstain:  
Absent: Friscia, Pedone, Ramsey  
Motion Approved.

**CLOSED SESSION**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, June 21, 2011 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

- Personnel - DPW Position

**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 go into Closed Session at 8:40 pm was made by Councilman Smith, seconded by Councilman Kahwaty.

Roll Call Vote:

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

Upon returning from Closed Session a motion was made to appoint Mike DeGall to the full-time position in the Department of Public Works which has become vacant due to the resignation of DPW employee Steve Post.

Motion to appoint Mike DeGall to the full-time position in the Department of Public Works was made by Councilwoman Lota, seconded by Councilman Kahwaty.

Roll Call Vote:

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

**ADJOURNMENT**

Motion to adjourn at 9:00 PM was made by Councilman Smith, seconded by Councilwoman Lota. On voice vote, all in favor.

**Resolution 160-11**

**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 \$120,433.20 as shown on the Claims Bill List; and \$4,198.54 as shown on the Soil Account Bill List; and \$502.50 as shown on the Developers Escrow List.

**Resolution 161-11**

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Franklin Lakes approve the following A.B.C. Licenses for 2011-2012:

Franklin Lakes Indian Trail Club, Inc., 830 Franklin Lake Road  
Lic. # 0220-33-002-001 at a fee of \$1,620.00

The Mountain Club, Inc., 845 Ewing Avenue  
Lic. # 0220-33-006-001 at a fee of \$1,620.00

Endless Vine, LLC, 823 Franklin Lake Road  
Lic. # 0220-33-001-006 at a fee of \$1,620.00

Vishant, Inc., 799 Franklin Avenue  
Lic. # 0220-44-003-005 at a fee of \$1,620.00

**Resolution 162-11**

**WHEREAS**, Boswell McClave Engineering, the Borough Engineer, on behalf of the Borough of Franklin Lakes received two (2) proposals for 2010 Community Development ADA Ramps at various locations throughout the Borough; and

**WHEREAS**, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

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

1. D&L Paving Contractors Inc. 185 High Street, PO Box 507 Nutley, New Jersey 07110 is hereby awarded a contract in the amount of \$18,715.00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

**Resolution 163-11**

**WHEREAS**, the Borough of Franklin Lakes advertised for and opened bids on June 3, 2011 for 2011 Road Improvements; and

**WHEREAS**, the Mayor and Council wish to award this contract to the lowest responsible bidder; and

**WHEREAS**, eight (8) companies submitted a bid for 2011 Road Improvements; and

**WHEREAS**, the Borough Engineer has reviewed the bids submitted and has determined that the bids meet the specifications.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey as follows:

1. Tilcon NY, Inc., 625 Mount Hope Road, Wharton, New Jersey 07885, is hereby awarded the contract for 2011 Road Improvements for the base bid amount of \$338,541.00 and alternate A in the amount of \$25,324.00 for a total bid amount of \$363,865.00 in accordance with the bid specifications.
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

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

**Resolution 164-11**

**WHEREAS**, the Borough of Franklin Lakes received two (2) proposals for Department of Public Works uniform rentals; and

**WHEREAS**, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

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

3. American Wear 261 North 18th Street, East Orange, NJ 07017 is hereby awarded a contract in the amount of \$5,395.00
4. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

**Resolution 165-11**

**WHEREAS**, Senator Buono and Assemblyman Coutinho have introduced S-2762 and A-4084, respectively, which permits a municipality to pay commercial and industrial property tax refunds for tax year 2010 and 2011 over subsequent three local budget years; and

**WHEREAS**, municipalities do rely and encourage business development in their community for economic growth; and

**WHEREAS**, unlike a residential tax appeals, commercial and industrial property owners must submit an income statement when filing their appeal as net income generated by property has a direct bearing on the ability to market the property and therefore it is value; and

**WHEREAS**, successful tax appeals shifts the burden of the appeal to the rest of the taxpayers within the community; and

**WHEREAS**, S-2762 and A-4084 will provide municipalities with a temporary tool to assist in planning and controlling their financial budgets during this influx of appeals; and

**WHEREAS**, the governing body of the Borough of Franklin Lakes supports the need for the legislation to address property tax refunds for commercial and industrial properties and firmly believes that by allowing phased refunds on successful commercial and industrial property appeals, these bills will provide substantial relief for many residential taxpayers; and

**WHEREAS**, the League of Municipalities recently conducted a survey that measured the extent to which property owners filed and won tax appeals in 2010, in which 150 municipalities, representing a cross section of the state, participated; and

**WHEREAS**, those participating in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

**WHEREAS**, while a municipality will often experience an increase in tax appeals because they have conducted a revaluation, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations compared to the 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

**WHEREAS**, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of property owners, all around our Garden State; and

**WHEREAS**, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011 and beyond, since the reductions, which were granted by the County Tax Boards will have a multiplier effect; and

**WHEREAS**, while New Jersey and this nation struggle to recover from one of the worst economic crisis since the Great Depression, municipalities must be given the tools to prevent increasing property taxes on already strained tax payers; and

**WHEREAS**, successful tax appeals impact fund balances and place additional pressures on the local budget;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Franklin Lakes urge for the swift passage of S-2762 and A-4084 to provide municipalities with an additional tool to prevent increasing property taxes on already strained taxpayers; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

#### **Resolution 166-11**

**WHEREAS**, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

**WHEREAS**, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

**WHEREAS**, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive

process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

**WHEREAS**, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

**WHEREAS**, A-3285 also amends the provision to reject all bids; and

**WHEREAS**, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

**WHEREAS**, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

**WHEREAS**, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

**WHEREAS**, these estimates tend to be in the middle of the current industry cost; and

**WHEREAS**, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

**WHEREAS**, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

**WHEREAS**, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Franklin Lakes strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

#### **Resolution 167-11**

**WHEREAS**, the Borough of Franklin Lakes is required to appoint representatives for the Bergen County Community Development Committee;

**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 Gregory Hart, Borough Administrator is appointed as the Mayor's representative to the Bergen County Community Development Committee for a one-year term July 1, 2011 through June 30, 2012 and that Mayor Frank Bivona is appointed as the Mayor's alternate representative for the same period; and,

**BE IT FURTHER RESOLVED** that Councilwoman Paulette Ramsey is appointed as the governing body's representative to the Bergen County Community Development Committee for a one-year term July 1, 2011 through June 30, 2012 and that Councilman Frank Pedone is appointed as the governing body's alternate representative for the same period; and,

**BE IT FINALLY RESOLVED**, that Borough Administrator Gregory C. Hart is authorized to sign all vouchers for Community Development projects for the term July 1, 2011 through June 30, 2012.

**Resolution 168-11**

**WHEREAS**, the Borough of Franklin Lakes has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act, N.J.S.A. 40A:8A-1 et seq., to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Municipal Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2011 through June 30, 2012;

**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 Borough Administrator Gregory C. Hart is hereby appointed as representative and Mayor Frank Bivona is hereby appointed as its alternate representative to participate on the Open Space Trust Regional Committee.

Respectfully submitted,

Jennifer Crespo  
Deputy Borough Clerk