

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

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

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional responded to the roll call:

Mayor Bivona, Councilman Friscia (7:35 P.M.), Councilman Kahwaty, Councilwoman Lota, Councilman Pedone, Council President Ramsey and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Lustgarten, and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilman Kahwaty, seconded by Councilwoman Lota. Discussion – none.

Roll Call Vote

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

No one from the public came forward. Motion to close the time for public comment was made by Councilwoman Lota. Seconded by Councilman Kahwaty. Discussion- none.

Roll Call Vote

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

APPOINTMENTS

Councilman Friscia arrived at the meeting at 7:35 P.M.

Zachery James Hines to the Franklin Lakes Volunteer Fire Department

Motion was made by Council President Ramsey and seconded by Councilwoman Lota to make the following appointment:

Franklin Lakes Volunteer Fire Department – Patrolman William Cook to the rank of Sergeant.

Roll Call Vote

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

PUBLIC HEARINGS

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1529**

AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO CLARIFY REGULATION OF ILLUMINATED SIGNS

ORDINANCE NO. 1530

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 300, “LAND USE AND DEVELOPMENT,” CHAPTER 425 “STREETS AND SIDEWALKS,” AND CHAPTER 453 “TREES,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FRANKLIN LAKES

Mr. Lustgarten announced that he just received a letter from John Spizziri, the Planning Board Attorney. The letter states that the Board has approved ordinances 1529 and 1530 with some exceptions. Mr. Lustgarten recommended that these ordinances be tabled and discussed at the next work session due to substantive issues raised by the Planning Board. Mr. Hart said that he understood that the Planning Board didn’t want to hold up adoption of the ordinance and they suggested that revisions could be adopted after the fact. Mr. Hart suggested putting this off until next month. Mayor Bivona said that he would not object to adoption of the ordinances tonight. After more discussion, there was a consensus to table these ordinances for discussion at the next work session.

Motion to carry the adoption of the ordinances 1529 and 1530 to the November 1st Work Session/Public Section was made by Councilman Smith. Seconded by Councilman Kahwaty. Discussion – none.

Roll Call Vote

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

**CONSENT AGENDA RESOLUTION
Resolution 226-11**

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 resolution can be found after the Adjournment.

- Resolution 227-11 Accept Report of the Finance Committee
- Resolution 228-11 Jersey Lakeland Regional – Field Use
- Resolution 229-11 Award Contract – Borough Calendar---**REMOVED**
- Resolution 231-11 Award Contract Ambulance Corps Diesel Exhaust System
- Resolution 232-11 Award Contract Thermal Imaging Camera
- Resolution 233-11 Award Contract Ice Rescue Equipment

Resolution 234-11	Award Contract Lift Gate
Resolution 235-11	Stipulation of Settlement – Swenson
Resolution 236-11	Stipulation of Settlement – Kachajian
Resolution 237-11	Stipulation of Settlement – Pandolfelli
Resolution 238-11	Stipulation of Settlement - Franklin Lakes Estates
Resolution 239-11	Stipulation of Settlement – Schumacher Estates/527 Commerce Street
Resolution 240-11	Extension of Generator Maintenance Agreement - F&P Generator
Resolution 241-11	Authorize Payment Final Payment and Change Order 2 to Tilcon-2011 Road Improvement Program
Resolution 242-11	Hold Harmless Agreement – 222 Tanglewood Court
Resolution 243-11	Release Closed Session Minutes
Resolution 244-11	Rescind Resolution 70-08 Destruction of Meeting Audio Tapes
Resolution 246-11	Franklin Lakes Nature Preserve Green Acres Grant

Resolution introduced by Councilwoman Lota, seconded by Council President Ramsey. Discussion –Councilman Friscia asked that the Ambulance Corps pagers and the Fire Department turn out gear be eliminated from the Consent Agenda. Councilwoman Lota and Council President Ramsey agreed to amend the motion relative to the consent agenda.

Roll Call Vote

Ayes: Friscia (with exceptions), Kahwaty, Lota Pedone, Ramsey, Smith
 Nays:
 Abstain: Friscia on the following Resolutions: Accept Report of Finance Committee and Authorize Final Payment and Change Order to Tilcon Change Order 2-2011 Road Improvement Program
 Absent:
 Motion Approved

**Resolution 230-11
 Resolution to Award Contract for Ambulance Corps Pagers**

WHEREAS, the Borough of Franklin Lakes received six (6) proposals for the following equipment for the Franklin Lakes Volunteer Ambulance Corps: fifteen (15) Minitor V Pagers with Amplified Charger; Five (5) Minitor V Amplified Chargers; twenty (20) Minitor V Battery Packs and fifteen (15) Motorola Visar Batteries; 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. 10-75 Emergency Lighting LLC, 51 Executive Parkway Building 1 Ringwood, NJ 07456 is hereby awarded a contract in the amount of \$9,900.00.
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 introduced by Councilwoman Lota, seconded by Councilman Smith. Discussion –Councilman Friscia said that he is not in favor of awarding a \$10,000 contract without bidding for the purchase. He noted that the Borough Purchasing Resolution 25-11 refers to business entities owned by an employee. The resolution states that a formal bidding process is necessary when the services total \$10,000 or more during any calendar year. Mr. Hart explained that they are following the local public contracts

law requirement meaning “per purchase” or “per project” and this does not pertain to aggregate purchases throughout the year. He reiterated that this mirrors the Local Public Contract Law.

Mayor Bivona asked if the Council is discussing the pager proposal or the purchasing policy. Councilman Friscia said that although he thinks this policy should be changed, they are not discussing that at this time. He explained that the policy becomes vague because some of the bids were over \$10,000, and another was slightly less than \$10,000 which Councilman Friscia thought could potentially be an issue. Mr. Hart reiterated that the purchase being considered in this case is less than \$10,000 and there was never any discussion of aggregating which would be inconsistent with the Borough’s policy relative to local contracts law. Mr. Lustgarten agreed that this was never intended to be an aggregate.

Councilman Smith asked if there is anyone who monitors this process. Mr. Hart explained that it is done through the department which is the Ambulance Corp in this instance and he monitored and approved it following the process. Councilman Smith thought that there was a purchasing agent who monitored this process and he commented that it seems that Mr. Hart was not fully involved in the process which would enable him to guarantee that everything that should have been done, was actually done. He recommended that in the future Mr. Hart should monitor and handle the process. Mr. Hart could then report back to the Council to ensure that all contracts involving Borough employees are monitored by the purchasing agent.

Upon questioning by Council President Ramsey, Mr. Hart explained that the Council recognized via emails, that this is an important purchase that the Ambulance Corp needs to make. There was an explanation of the chronology of the bid process and it appears that the successful bidder submitted a bid prior to solicitation of the request; however, Mike Petrino of the Ambulance Corp feels that this was a typographical error.

There was no further discussion of this purchase.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved

Mayor Bivona suggested that a review of the purchasing policy should be listed on the November 1, 2011 work session agenda. Mr. Hart said that he would have the Administration Committee review the language contained in this policy and submit a report by November 1, 2011.

Resolution 245-11

Resolution to Award Contract for Fire Department Turn Out Gear

WHEREAS, the Borough of Franklin Lakes wishes to purchase Fire Turnout Gear, Helmets and Boots to be used by the Franklin Lakes Volunteer Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A 40A:11-12; and

WHEREAS, AAA Emergency Supply, 635 North Broadway, White Plains, NY 10603 has been awarded New Jersey State Contract number A76357 for Fire Turnout Gear, Helmets and Boots; and

WHEREAS, the Fire Chief and Borough Administrator recommend the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the purchase of Fire Turnout Gear, Helmets and Boots is \$41,997.60; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that Fire Turnout Gear, Helmets and Boots be purchased from AAA Emergency Supply, 635 North Broadway, White Plains, NY 10603.

Resolution introduced by Council President Ramsey, seconded by Councilman Kahwaty. Discussion –Mr. Hart stated that as part of the Capital Budget and a bond ordinance, the Mayor and Council appropriated \$42,000 for turn out gear for the Fire Department. This was anticipated; however, there is now some urgency due to a POSHA inspection which found that a number of issues need to be addressed including Fire Department turn out gear. Four separate notices to comply were issued, two addressing turn-out gear. Mr. Hart recalled that funding for turn out gear is within budget and was anticipated in the Capital Budget.

Councilman Smith said that he reviewed the POSHA reports and noted that there were only five pant legs that were damaged. Denny Knubel, Franklin Lakes Fire Chief, explained that NFBA regulations state that gear can only be used for 10 years and most of the Franklin Lakes Fire Department gear is older than that. Almost every department in the State is non-compliant with the ten year rule and the inspector gave a verbal warning. The inspector commented that it is better to spend \$800 on a new pair of pants rather than make repairs in the amount of \$200. There is reflective gear on helmets and goggles that has also been damaged. The equipment is out of date but the compliance officer will not fine the Fire Department. Mr. Hart gave the inspector a print out showing that over the next several years, two or three sets of turn out gear will be purchased. Chief Knubel remarked that an initial outlay is necessary to get caught up but the Department should be on track after that.

Mr. Lustgarten suggested a minor change in the resolution which Council President Ramsey and Councilman Kahwaty agreed with.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved

ACTION ON MINUTES

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

- September 6, 2011 Work session
- September 20, 2011 Regular
- September 20, 2011 Closed Session

Discussion – Councilman Friscia noted that the September 6, 2011 minutes have been amended.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain: Friscia on minutes of August 2, 2011 Work session and Closed Session;
Lota on minutes of August 16, 2011 Regular Meeting

Absent:
Motion Approved

OLD BUSINESS

Mr. Hart referred to the use of the Ramapo High School Video Facilities and asked if Councilmembers had any thoughts or comments relative to the discussion that took place at the last meeting. This is a mutually beneficial opportunity that would allow the Borough to utilize the school's video production facilities and equipment. In exchange, the Borough would allow the schools to use blocks of time on the Borough's public access channels. The Board of Education reviewed this proposal and has indicated that they would approve this arrangement; however, they are hoping that the Borough would waive their administrative fees for use of the Borough's fuel tanks and off duty police. The total amount of these administration fees would be approximately \$2,000 annually. If the Borough does not agree, Mr. Hart said that the Board has suggested that they charge an administrative fee of approximately \$2,000 for the use of their facilities. Mr. Hart commented that the issues are unrelated and the Borough incurs administrative costs relative to the gas facility and the police off-duty facility. He recommended that these administrative fees continue to be charged and he will suggest to the Board of Education that their charges are not appropriate because the Board is reaping the benefits of the public access channel.

Council President Ramsey questioned who the Council liaison was to this committee and Mr. Hart recalled that at the last meeting, it was agreed that Councilman Friscia would serve in that role. Mr. Hart hasn't had the opportunity to discuss this yet with Councilmembers Friscia and Kahway. Mr. Hart said that this is a great benefit to the schools that don't have any form of public access and this exciting opportunity would be beneficial to the students. Councilmembers indicated agreement with Mr. Hart's approach. Mr. Hart will communicate the Council's position to the Board of Education and report back to the Council.

NEW BUSINESS

Councilman Pedone stated that at the Recreation Committee meeting it was pointed out that various groups are using fields in the Borough who are not affiliated with the Borough. It was suggested that Police Officers could be given a schedule of who is using the fields and they should stop and question unauthorized people on the field. Councilman Pedone asked that this issue be forwarded to the Public Safety Committee.

Mr. Hart recalled that in the past, the Mayor and Council have allowed informal use by leagues early on Sunday mornings. Council President Ramsey said that some type of approval would have to go through the Recreation Director since he is the only person who would know if the field was available. Mayor Bivona asked if the Mayor and Council have the authority to prohibit people from using these fields for casual use. Councilman Pedone said that casual use is not what was described at the meeting. He reiterated that the case he is referring to involved a team from another municipality using the lighted field. Councilwoman Lota said that the lights are controlled by John Ciurciu and Mayor Bivona remarked that further investigation was necessary. Mayor Bivona asked that this be discussed at the next work session.

ORDINANCE 1531

AN ORDINANCE AMENDING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT DEPOSITING OF SNOW ON PUBLIC OR PRIVATE LANDS

WHEREAS, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 425 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT DEPOSITING OF SNOW ON PUBLIC OR PRIVATE LANDS was introduced at a meeting of the Mayor and Council held on the 18th day of October, 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 1531 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1531 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 10th day of November, 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 1531; 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.

Motion to read the resolution by title only made by Councilman Smith, seconded by Councilman Pedone.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved

Resolution introduced by Councilwoman Lota, seconded by Council President Ramsey. Discussion – none.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent:

Motion Approved

Mayor Bivona stated that he has noticed a significant rise in car thefts in Franklin Lakes most of which is the result of keys being left in cars outside the home or in garages with garage doors open. It is important for residents to realize that they have to protect themselves by locking car doors.

ADJOURNMENT

Motion by Councilman Kahwaty to adjourn the meeting at 8:27 P.M. Seconded by Council President Ramsey. Discussion – none.

Roll Call Vote

Ayes: Friscia, Kahwaty, Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Motion Approved

Resolution 227-11

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 \$554,372.28 as shown on the Claims Bill List; and \$10,389.00 as shown on the Soil Account Bill List; and \$1,657.75 as shown on the Developer's Escrow List.

Resolution 228-11

**FACILITIES USE REQUEST
JERSEY LAKELAND REGION – VINTAGE CHEVROLET CLUB OF
AMERICA**

WHEREAS, by letter dated June 17, 2011, the Jersey Lakeland Region – Vintage Chevrolet Club of America, has requested the use of McBride Field for its annual car show on May 25 to 27, 2012;

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Jersey Lakeland Region – Vintage Chevrolet Club of America are hereby granted permission to use McBride Field for its annual car show on May 25 to 27, 2012, subject to: (1) a donation to the Borough for the Franklin Lakes Nature Preserve in accordance with the September 27, 2011 letter from the Jersey Lakeland Region – Vintage Chevrolet Club of America, which is incorporated by reference herein; and (2) compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Jersey Lakeland Region – Vintage Chevrolet Club of America and the Recreation and Parks Director.

Resolution 231-11

WHEREAS, the Borough of Franklin Lakes received four (4) proposals for engine exhaust removal system for the Franklin Lakes Volunteer Ambulance Corps; 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. Air Technology Solutions, 3703 North Main Street Suite 209 Rockford, IL 61103 is hereby awarded a contract in the amount of \$9,588.00.
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 232-11

WHEREAS, the Borough of Franklin Lakes wishes to purchase 1 Argus 4 Thermal Camera for the Franklin Lakes Volunteer Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A 40A:11-12; and

WHEREAS, Absolute Fire Protection Company, Inc. 2800 Hamilton Blvd., South Plainfield, NJ 07080 has been awarded New Jersey State Contract number A74018 for Argus 4 Thermal Camera; and

WHEREAS, the Fire Chief and Borough Administrator recommend the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the purchase of 1 Argus 4 Thermal Camera including battery charging truck mount and truck battery charger is \$14,516.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that 1 Argus 4 Thermal Camera, battery charging truck mount and truck battery charger be purchased from Absolute Fire Protection Company, Inc. 2800 Hamilton Blvd., South Plainfield, NJ 07080.

Resolution 233-11

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for the purchase of Water Rescue Equipment for the Franklin Lakes Fire Department; 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:

5. Mid-Atlantic Rescue Systems, Inc., 7907 Hawthorne Drive, Frederick, MD 21702-2805 is hereby awarded a contract in the amount of \$18,000.00 for the purchase of the water rescue equipment.
6. 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 234-11

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for the purchase of one lift gate for the DPW Mason dump truck; 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:

7. Cliffside Body, 130 Broad Avenue, Fairview, NJ 07022 is hereby awarded a contract in the amount of \$5,636.00 for the purchase of the lift gate.
8. 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 235-11

WHEREAS, Gregg & Lisa Swenson, filed real property tax appeals for the years **2009, 2010 and 2011** [Docket Nos. **004132-2009, 008890-2010 and 009183-2011**]; and

WHEREAS, the real property assessments for the subject premises, located at **207 Birdsong Terrace (Block 1309, Lot 3.04)** on the Tax Assessment Map of the Borough of Franklin Lakes for the years **2009, 2010 and 2011** were as follows:

2009 & 2010

Land	\$ 705,600.
Improvements	\$1,421,600.
Total	\$2,127,200.

2011

Land	\$ 705,600.
Improvements	\$1,202,900.
Total	\$1,908,500.

and;

WHEREAS, the **2009, 2010 & 2011** tax appeals may be settled by reduction of the aforesaid assessments as follows:

<u>2009 & 2010</u>		<u>2011</u>	
Land	\$ 705,600.00	Land	\$ 705,600.00
Improvements	\$1,294,400.00	Improvements	\$1,144,400.00
Total	\$2,000,000.00	Total	\$1,850,000.00

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

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 236-11

WHEREAS, GEORGE KACHAJIAN, filed real property tax appeal for the year **2010** [Docket No. 020649-2010]; and

WHEREAS, the real property assessment for the subject premises, located at 902 Scioto Drive (Block 2101.12, Lot 4) on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2010** is as follows:

2010

Land	\$ 685,000
Improvements	\$ 823,700
Total	\$1,508,700

and;

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

2010

Land	\$ 685,000
Improvements	\$ 673,000
Total	\$1,358,000

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 237-11

WHEREAS, GARY JACOBSON, ESQ. as CHAPTER 7 TRUSTEE FOR BASIL PANDOLFELLI, filed real property tax appeal for the year **2010** [Docket No. 9743-2010]; and

WHEREAS, the real property assessment for the subject premises, located at 868 Trailing Ridge Road (Block 1510.01, Lot 3) on the Tax Assessment Map of the Borough of Franklin Lakes for the year **2010** is as follows:

2010

Land	\$ 983,500
Improvements	\$2,769,700
Total	\$3,753,200

and;

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

2010

Land	\$ 983,500
Improvements	\$2,116,500
Total	\$3,100,000

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 238-11

WHEREAS, Franklin Lakes Estates, filed real property tax appeals for the years **2009 & 2010** [Docket Nos. **002588-2009 & 006312-2010**]; and

WHEREAS, the real property assessments for the subject premises, located at **460 Devonshire Drive (Block 3302-02, Lot 3)** on the Tax Assessment Map of the Borough of Franklin Lakes for the years **2009 & 2010** were as follows:

<u>2009</u>		<u>2010</u>	
Land	\$ 613,500.00	Land	\$ 613,500.00
Improvements	\$1,718,000.00	Improvements	\$1,718,000.00
Total	\$2,331,500.00	Total	\$2,331,500.00

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	\$ 613,500.00	Land	\$ 613,500.00
Improvements	\$1,518,000.00	Improvements	\$1,276,500.00
Total	\$2,131,500.00	Total	\$1,890,000.00

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

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 239-11

WHEREAS, 525 COMMERCE STREET and SCHUMACHER ESTATES, L.L.C., filed real property tax appeals for the years **2009, 2010** and **2011** [Docket No. 2040-2009, 4305-2010 for 525 COMMERCE STREET and 10807-2011 for SCHUMACHER ESTATES, L.L.C. respectively]; and

WHEREAS, the real property assessment for the subject premises, located at 527 Commerce Street (Block 1404.01, Lot 15) on the Tax Assessment Map of the Borough of Franklin Lakes for the years **2009, 2010** and **2011** are as follows:

<u>2009</u>	
Land	\$ 738,000
Improvements	\$1,616,300

Total \$2,354,300

2010

Land \$ 738,000
Improvements \$1,616,300
Total \$2,354,300

2011

Land \$ 738,000
Improvements \$1,535,200
Total \$2,273,200

and;

WHEREAS, the **2009, 2010 & 2011** tax appeals may be settled by reduction of the aforesaid assessments as follows:

2009

Land \$ 738,000
Improvements \$1,616,300
Total \$2,354,300
(No Changes - Appeal withdrawn)

2010

Land \$ 738,000
Improvements \$1,235,200
Total \$1,973,200

2011

Land \$ 738,000
Improvements \$1,062,000
Total \$1,800,000

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 240-11

EXTENSION OF GENERATOR MAINTENANCE CONTRACT

WHEREAS, F&P Generator, 94 Fulton Street, Paterson, New Jersey, contract with the Borough of Franklin Lakes for the maintenance of Borough generators for calendar year 2011; and,

WHEREAS, the Superintendent of Public Works has recommended that the Borough extend the contract of F&P Generator for calendar year 2012 for an annual cost

of \$2,500, which amount is the same amount as the 2011 contract, as the services are being performed in an effective and efficient manner;

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 recommendation of the Superintendent of Public Works is hereby approved and the contract for maintenance of Borough generators be and is hereby extended for calendar year 2012 for an annual cost of \$2,500; and,

BE IT FURTHER RESOLVED the services are being performed in an effective and efficient manner; and,

BE IT FURTHER RESOLVED that 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 payments authorized in this resolution as an express and mandatory condition of the award of this contract; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to F&G Generator and the Borough Chief Financial Officer.

Resolution 241-11

A Resolution Authorizing Change Order 2 & Final in Connection with the 2011 Road Improvement Program in the Borough of Franklin Lakes.

WHEREAS, The Borough of Franklin Lakes awarded a contract in the amount of \$363,865.00 to Tilcon N.Y. Inc., and;

WHEREAS, Change Order 1 was executed for an additional amount of \$72,712.19 to allow for an increased scope of work to pave Mohawk Road, and;

WHEREAS, Change Order 2 reflects the final contract quantities in connection with this project which results in a decrease in the amended contract amount of \$62,955.33.

RESOLVED, that the payment authorized herein is expressly contingent upon Tilcon supplying to the Borough of Franklin Lakes a Maintenance Bond in the appropriate amount as represented in the contract.

NOW THEREFORE BE IT RESOLVED, Change Order 2 is hereby authorized to allow for a final contract amount of \$373,621.86.

Resolution 242-11

WHEREAS, Igor Model and Lisa Melsakaya, owners of Block 2414.01, Lot 5, in the Borough of Franklin Lakes, have requested permission to connect their storm drainage system to the Borough's storm sewer system located within Tanglewood Court in accordance with a plan entitled "Site Plan/Drainage Plan," prepared by Gerald Gardner Associates and dated June 14, 2011 as last revised August 10, 2011; and,

WHEREAS, the Borough Engineer has reviewed the request and the plan and recommends that the proposed connection be permitted upon execution of a Hold Harmless Agreement by the property owners in favor of the Borough;

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 property owners of Block 2414.01, Lot 5, be and are hereby permitted to connect the property's drainage system to the Borough of Franklin Lakes storm sewer system in accordance with a plan entitled "Site Plan/Drainage Plan," prepared by Gerald Gardner Associates and dated June 14, 2011 as last revised August 10, 2011, conditioned upon execution by the property owners of a Hold Harmless Agreement in favor of the Borough of Franklin Lakes as prepared by the Borough Attorney.

Resolution 243-11

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that pursuant to the requirements of the Open Public Records Act, all minutes of closed meetings conducted by the Governing Body of the Borough of Franklin Lakes between the years of 2000 and 2009 are hereby determined to be released to the public except any that contain legal strategies or where the confidentiality of the matter still exists.

Resolution 244-11

WHEREAS, by resolution adopted on March 4, 2008, the Mayor and Council established a policy which required that all existing and future recordings of Mayor and Council meetings be retained permanently; and,

WHEREAS, the Mayor and Council are desirous of rescinding the March 4, 2008 resolution and establishing a policy which requires that all existing and future recordings of Mayor and Council meetings be retained for a period of one year from the date of the meeting or the period required by the State's records retention schedules, whichever is longer;

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 March 4, 2008 resolution requiring the permanent retention of Mayor and Council meeting recordings be and is hereby rescinded; and,

BE IT FINALLY RESOLVED that the policy for retaining existing and future recordings shall be that all existing and future recordings of Mayor and Council meetings shall be retained for a period of one year from the date of the meeting or the period required by the State's records retention schedules, whichever is longer.

Resolution 246-11

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Borough of Franklin Lakes has previously obtained a grant of \$2,300,000 from the State to fund the following project(s) Woodside Avenue/Haledon Reservoir Acquisition; and,

WHEREAS, the State and the Borough of Franklin Lakes intends to increase Green Acres funding; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. That Gregory C. Hart the Borough Administrator of the Borough of Franklin Lakes or the successor to the office of Borough Administrator is hereby authorized to execute an Amendment to the Agreement increasing funding to \$2,750,000, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$2,750,000.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

Respectfully submitted,



Sally F. Becker, Borough Clerk