

**MEETING OF THE MAYOR AND COUNCIL**

**November 10, 2011**

**7:30 P.M.**

A regular meeting of the Mayor and Council was held on Thursday, November 10, 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, Councilwoman Lota, Councilman Pedone, Council President Ramsey and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Richard Lustgarten, and Borough Clerk Sally Bleeker. Absent were Councilman Friscia and Councilman Kahwaty.

**SUNSHINE LAW STATEMENT**

Borough Clerk, Sally 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 Pedone, seconded by Council President Ramsey.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty

Motion Approved.

No one came forward from the public.

Motion to close the time for public comment was made by Councilman Pedone, seconded by Councilman Smith.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

**PUBLIC HEARINGS**

**Ryerson Road Special Assessment Confirmation**

Mayor asked for a motion to open the time for public comments. Motion to open the time for public comment was made by Councilman Smith, seconded by Councilman Pedone.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

Mr. Mamry, 756 Ryerson Road – He believes the assessment is high and believes the interest rate at 5% is too high as well. He is wondering if it can be paid in one payment. Borough Administrator, Mr. Hart, told him it can be paid in one payment.

Carl Barbara, 242 Pulis Avenue – He said at the last meeting, Mr. Lustgarten, suggested that if people were unhappy with the assessment they could make a confidential offer. Mr. Barbara did send one in and was wondering if it was looked at and being considered.

Mr. Hart said he had received the offer and a copy was forwarded to the Tax Assessor and Borough Attorney, but it was not distributed to the Mayor and Council.

Mr. Barbara said that his property fronts Pulis Avenue and has a circular driveway that everyone uses to make u-turns in, especially landscapers. He does not see the benefit he got out of the paving and feels he now has a safety issue on his property. He has made an offer of what he feels is fair.

Mayor Bivona clarified that Ryerson Road runs behind his property which Mr. Barbara said was correct. The Mayor asked if an adjustment had been made. The Tax Assessor, Mr. Leposky, said that a 50% adjustment had been made considering he also has frontage on Pulis Avenue.

Mr. Barbara explained that most properties are square in shape, but his is a big tear drop. He has 366 feet of frontage. The first 100 feet in unusable property as it has power lines going through it. He is not able to put a garage or anything there. He does not believe the amount of frontage he is being assessed for is just. He would like the town to take that into consideration.

Mr. Hart located Mr. Barbara's letter and read it aloud. Mr. Barbara's letter stated that the Tax Assessor's estimate is \$14,372 and he is offering to pay \$9,750 in full.

Councilman Smith said the method we used to make the assessment is front footage which is accepted by the courts. The calculations used are not scientific; it is a use of judgment in an attempt to fairly distribute the benefit to each of the properties. There are circumstances where a property is unique and we are permitted to make a judgment where the front footage could be adjusted. He suggests that Mike take the comments from the property owners and see if he agrees or disagrees.

Mr. Hart explained that Mike is aware of these comments as they have been made throughout this process.

Mr. Leposky said the engineering company gave him the frontage on these properties. Mr. Leposky said no matter what the shape of the property is they still have the frontage there.

Councilman Smith said that depending on the shape of the property front footage may not be a fair way to calculate the assessment. Councilman Smith suggested he takes the resident's comments and see if a change needs to be made.

Mr. Leposky advised that if he goes through this property again and makes an adjustment he would have to add more money on to the other properties. Councilman Smith said he understood the ramifications but feels that this particular issue should be looked at.

Mr. Lustgarten advised procedurally that if this gets deferred and Mr. Leposky makes that analysis and there is a change in the numbers which would then change all the numbers on the property then we would have to re-notify all of the property owners.

Councilman Smith said the Borough could be able to pick-up the extra cost. Then we do not need to re-assess everyone else.

Mr. Mamry – 756 Ryerson Road came forward again and said he was not here when confidential offers were suggested and wanted to be able to make a confidential offer.

Mr. Barbara – 242 Pulis Avenue came forward again and said that at the last meeting Mr. Boswell said they would do something about the erosion problem on the unusable property. They said they would put some rocks down or something. He has not seen Boswell Engineering at all. Mr. Hart said he will follow up with him.

Mayor asked for a motion to close the time for public comments. Motion to close the time for public comment was made by Councilman Smith, seconded by Council President Ramsey.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

Borough Assessor's Report

The Tax Assessor, Mike Leposky, came forward and gave his report.

Resolution Confirming Ryerson Road Special Assessment

Mr. Hart advised that there is a recommendation from the Tax Assessor, Borough Engineer, Borough Attorney and himself to accept Ryerson Road improvements so that improvements in the future will not be done through special assessment but done as general street improvements done through the road program.

Mayor Bivona asked when this project was done. Mr. Hart answered it was done in 2006. Mayor said that when Wildwood Avenue was reviewed there was concern that we had waited so long and that adjustments were made. Councilman Smith said adjustments were made, but not due to how long the assessment took. There was no downward adjustment to homeowners because of time. They have actually benefitted from not having to pay up until now. Mr. Hart agreed saying that \$20,000 of adjustments were made simply due to special circumstances, but not in regards to time.

After a quick consensus was taken it was decided by the Council to go back and reconsider the property at 242 Pulis Avenue while taking into consideration the impact it may have on the other properties.

Further discussion ensued in regards to carrying the meeting to a later date, if the Tax Assessor would need to change his reports and if we needed to re-advertise the meeting if a new report is drafted.

Motion was made by Councilman Smith to carry the Public Hearing to the December 20<sup>th</sup>, seconded by Council President Ramsey.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

**ORDINANCE NO 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 18<sup>th</sup> day of October, 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 1531 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 Councilwoman Lota. Seconded by Council President Ramsey. Discussion – none.

Roll Call Vote:

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

No one from the public came forward.

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

Roll Call Vote:

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

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

Roll Call Vote:

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

**CONSENT AGENDA RESOLUTION**

**Resolution 253-11**

**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 254-11 Accept Report of the Finance Committee  
 Resolution 255-11 Borough Employees Purchasing Policy  
 Resolution 256-11 Authorize Advertisement for Bids - Cleaning Services  
 Resolution 257-11 Authorize Payment to D&L Paving – 2010 CDBG ADA Grant  
 Resolution 258-11 Authorize Mayor and Clerk to sign Hold Harmless Agreement –  
 Aretsky  
 Resolution 259-11 Authorize Mayor and Clerk to sign Hold Harmless Agreement –  
 Princiotta  
 Resolution 260-11 Dedication by Rider – Beautification Fund  
 Resolution 261-11 Approval of Flexible Spending Plan  
 Resolution 262-11 Supporting County Green Acres Application  
 Resolution 263-11 Opposing S-2887 and A-3992, For Wind Generation facilities on  
 Farmland  
 Resolution 264-11 Supporting Telecommunications Bill S-3062  
 Resolution 265-11 Award Contract Thermal Printers  
 Resolution 266-11 Accept Merit Pay Plan Policy  
 Resolution 267-11 Municipal Alliance Resolution  
 Resolution 268-11 Budget Transfers

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

Roll Call Vote:

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

**RESOLUTIONS**

**Resolution 269-11  
 Authorize Refund of Redemption Monies to Outside Lienholder**

**WHEREAS**, at the Municipal Tax Sale held on October 18, 2007, a lien was sold on Block 3303, Lot 14, also known as 238 Mabel Place in Franklin Lakes, for 2006 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate # 07-002 was sold to Robert Rothman, Englewood, New Jersey 07631. Rothman also paid a premium for this tax sale certificate in the amount of \$12,100.00

**WHEREAS**, TD Bank has effected redemption of Certificate # 07-002 in the amount of \$71,624.35 as of November 18, 2011,

**NOW THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$83,724.35 (\$71,624.35 for the redemption and \$12,100.00 for the return of the premium) payable to Robert Rothman.

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

Roll Call Vote:

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

## **ACTION ON MINUTES**

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

- October 4, 2011 Worksession
- October 18, 2011 Regular Meeting

Discussion – none.

### Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

## **OLD BUSINESS**

No old Business to discuss at this time.

## **PROCLAMATIONS**

At this time Mayor Bivona read off a list of names of Eagle Scouts and Girl Scouts who received special proclamations:

Eagle Scouts: Raymond Gonzo, David Sadegh, Christopher Joseph Peticca, and John Thomas Amels.

Girl Scouts: Morgan Amiaga, Rebecca Dalton, Anna Gebhardt, Margaux Holloschultz, Megan Meyer, Katherine Riccobene, and Sarah Villano.

## **NEW BUSINESS**

At this time, Greg Hart, discussed an issue regarding snow plowing. He said when it snows and a DPW employee is out the town must rely more heavily on the contractors. Currently, there is no rate for a person to come in and snow plows with Borough trucks. We currently have a rate of \$13.00 an hour for someone to come in and shovel which he feels is appropriate. He recommends a salary of \$25 an hour for a driver to operate a snow plow. He said members of the fire department will usually fill in.

## **ORDINANCE 1532**

### **AN ORDINANCE AMENDING CHAPTER 71 "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO DELETE THE ARTICLE PERTAINING TO TREASURER AND AMENDING ALL CODE REFERENCES TO TREASURER**

**WHEREAS**, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 71 "OFFICERS AND EMPLOYEES OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO DELETE THE ARTICLE PERTAINING TO TREASURER AND AMENDING ALL CODE REFERENCES TO TREASURER was introduced at a meeting of the Mayor and Council held on the 10th day of November, 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 1532 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1532 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of December, 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 1532; 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 ordinance by title was made by Councilman Pedone, seconded by Councilwoman Lota.

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

The Borough Clerk read the title of ordinance.

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

Roll Call Vote:

Ayes: Lota, Pedone, Ramsey, Smith

Nays:

Abstain:

Absent: Friscia, Kahwaty,

Motion Approved.

**ORDINANCE 1533**

**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 10th day of November, 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 1533 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1533 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of December, 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 1533; 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 ordinance by title was made by Councilman Pedone, seconded by Councilwoman Lota.

Roll Call Vote:

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

The Borough Attorney read the title of ordinance.

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

Roll Call Vote:

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

**CLOSED SESSION**

There were no Closed Session items to discuss.

**ADJOURNMENT**

At 8:29 a motion to adjourn was made by Councilman Pedone, seconded by Councilwoman Lota. On voice vote, all in favor.

**Resolution 254-11 Accept Report of the Finance Committee**

**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 \$272,014.97 as shown on the Claims Bill List; and \$1,815.50 as shown on the Soil Account Bill List.

**Resolution 255-11 Borough Employees Purchasing Policy**

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

- Purchases under \$5,400 can generally be made without solicitation of multiple proposals;
- Purchases between \$5,400 and \$36,000 can generally be made following solicitation of at least three proposals; and
- Purchases over \$36,000 require a formal bid process (with exceptions, such as State and County contracts, as permitted by law);

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the following procedural safeguards be and are hereby implemented for the consideration of proposals for the purchase of goods or services from a Borough employee, from a business entity owned by an employee, or from a business entity in which an employee has an interest:

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

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

**Resolution 256-11 Authorize Advertisement for Bids - Cleaning Services**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator is hereby authorized to advertise for bids for Cleaning Services for Borough Buildings.

**Resolution 257-11 Authorize Payment to D&L Paving – 2010 CDBG ADA Grant**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that a payment in the amount of \$20,527.00 be made to D&L Paving Contractors, Inc. 681 Franklin Avenue, Nutley, NJ 07110, as part of the 2010 Community Development Block Grant for work performed and material furnished for the installation of ADA ramps at various locations throughout the Borough and the installation of two handicap parking spaces at Firemen's Field, is hereby approved and authorized; and

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

**Resolution 258-11 Authorize Mayor and Clerk to sign Hold Harmless Agreement – Aretsky**

**WHEREAS**, Eric Aretsky, owner of Block 2201.02, Lot 13, in the Borough of Franklin Lakes, have requested permission to discharge into a Borough drainage ditch located along Tequesta Drive opposite the property. The proposed system includes a rear year lawn inlet, a driveway inlet, and two (2) 8 inch HDPE pipes leading under Tequesta Drive to the drainage ditch. A flared end section and outlet protection is proposed at the pipes' discharge point of the ditch; 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 owner of Block 2201.02 Lot 13, be and is hereby permitted to discharge into a Borough drainage ditch as described in accordance with a property survey, dated February 20, 2004 received by the Borough Engineer on October 18, 2011 marked to show proposed drainage improvements, 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 259-11 Authorize Mayor and Clerk to sign Hold Harmless Agreement – Princiotta**

**WHEREAS**, Brian and Kristin Princiotta, owners of Block 2101.10, Lot 10, in the Borough of Franklin Lakes, have requested permission to connect an overflow pipe from a recently installed drainage system to the Borough storm system located at the intersection of Olentangy Road and Winding Hollow Road adjacent to the property; 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 2101.01 Lot 10, be and are hereby permitted to connect an overflow pipe from a recently installed drainage system to the Borough storm system in accordance with a plan dated September 9, 2011 prepared by the Diaz Land Surveying LLC and received by the Borough Engineer on October 20, 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 260-11 Dedication by Rider – Beautification Fund**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, the Borough receives contributions from various organizations and individuals, and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of such moneys by dedication by rider; and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey do hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, C.292, for the exclusive purpose of depositing and expending funds paid by individuals and business entities as donations to the Borough's "Beautification Fund" to offset the costs for projects involving the upkeep, improvement and beautification of Borough properties.

**BE IT FURTHER RESOLVED** that the Borough Clerk of the Borough of Franklin Lakes is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**Resolution 261-11 Approval of Flexible Spending Plan**

**WHEREAS**, the Borough of Franklin Lakes (hereinafter, the municipality) provides an Employee Health Benefits Program for eligible employees and their eligible dependents; and

**WHEREAS**, Chapter 78 of the laws of the State of New Jersey requires public entities to implement a Section 125 - Flexible Spending Accounts (FSA's) program in accordance with the rules promulgated by the United States Internal Revenue Service; and

**WHEREAS**, the Municipality's Benefits Consultant has performed due diligence and researched the marketplace for firms specializing in the administration of FSA's and

developed a due diligence compliance report which quantifies the services provided by each potential firm, such work product made a part of this Resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, in accordance with the due diligence performed by the Municipal Administrative Team and the Municipal Benefits Consultant, the firm of PRIME PAY / PRIMEFLEX ADMINISTRATIVE SERVICES, LLC is hereby appointed as Administrator for the Municipality's Section 125 - Flexible Spending Account, effective upon passage of this Resolution for a January 1, 2012 effective date; and

**BE IT FURTHER RESOLVED**, the Administrative Officer/Borough Clerk is hereby authorized to execute all documents necessary for the implementation; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be provided to the Municipal Finance Officer, Auditor and PIA Security Programs, Inc., 429 Hackensack Street, Carlstadt, NJ 07072, Benefits Consultant to the Municipality.

### **Resolution 262-11 Supporting County Green Acres Application**

**WHEREAS**, Block 1602, Lot 1, in the Borough of Franklin Lakes, is part of the Bergen County Campgaw Mountain County Reservation, which is encumbered with restrictions against the diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program Rules and a deed restriction held by the National Park Service; and,

**WHEREAS**, in conjunction with the proposed Franklin Lakes Ground Storage Water Tank Project by United Water New Jersey, it is necessary to remove the Green Acres and National Park Service restrictions from a three acre portion of the 98 acre Bergen County Campgaw Mountain County Reservation through the granting of surface and subsurface easements; and,

**WHEREAS**, United Water New Jersey will compensate the County of Bergen for the said diversion of parkland by providing \$2.5 million for the acquisition of a 13.87(+/-) acre parcel, identified at Block 1109, Lot 1, Franklin Lakes, New Jersey, which will be added to the Bergen County Park inventory; and,

**WHEREAS**, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A. C. 7:36-26; and,

**WHEREAS**, the release of the National Park Service deed restriction requires the approval of the National Park Service Regional Director and the General Services Administration; and,

**WHEREAS**, the County of Bergen wishes to apply to the Commissioner of the Department of Environmental Protection and the State House Commission for their approvals for the United Water New Jersey Ground Storage Tank Project as a major disposal or diversion of parkland under N.J.A. C. 7:36-26; and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes supports this application for the diversion of parkland and, in particular, supports the preservation as parkland of the 13.87(+/-) acre parcel, identified as Block 1109, Lot 1;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Borough of Franklin Lakes supports the application by the County of Bergen to the Commissioner of the Department of Environmental Protection, the State House Commission, the National Park Service Regional Director and the General Services Administration, for the diversion of parkland and, in particular, supports the preservation as parkland of the 13.87(+/-) acre parcel, identified as Block 1109, Lot 1; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the County of Bergen, the Commissioner of the Department of Environmental Protection, the State House Commission, the National Park Service Regional Director and the General Services Administration.

**Resolution 263-11    Opposing S-2887 and A-3992, For Wind Generation facilities on Farmland**

**WHEREAS**, on May 19, A-3992 was approved by the Assembly Telecommunications and Utilities Committee, and then referenced to the Assembly Housing and Local Government Committee for further consideration; and

**WHEREAS**, the Senate companion to A-3992, S-2887, was considered but held by the Senate Environment and Energy Committee on September 19, 2011; and

**WHEREAS**, S-2887 and A-3992 would exempt wind turbines from “review, approval or application from any state, county or municipal regulatory body” except for minor site plan review by the municipality on farms, and would require limited minor site plan approval by the municipality; and

**WHEREAS**, S-2887 and A-3992 also mandates that any such qualifying projects shall be a permitted use under local zoning; and

**WHEREAS**, S-2887 and A-3992 would allow for the construction of utility-scale installations on preserved farmland;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Franklin Lakes supports the State’s effort to promote renewable and green energy sources, but such efforts should not be at the expense of sound planning and should not impair the State’s successful farmland preservation efforts, and

**BE IT FURTHER RESOLVED**, the Governing Body of the Borough of Franklin Lakes **strongly opposes** S-2887 and A-3992 as an unnecessary and unwarranted intrusion on local zoning discretion; and,

**BE IT FURTHER RESOLVED**, that significant taxpayer dollars have been dedicated to the Farmland Preservation Program, and S-2887 and A-3992 would undermine the legislative and regulatory intent of the farmland preservation program; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, State Senator Kevin J. O’Toole, and Assembly Representatives Scott Rumana and David C. Russo, the members of the Senate Environment Committee, the members of the Assembly Housing and Local Government Committee, Senator Bob Smith and Assemblyman Chivukula, the primary sponsors of the legislation and the New Jersey State League of Municipalities.

**Resolution 264-11    Supporting Telecommunications Bill S-3062**

**WHEREAS**, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

**WHEREAS**, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

**WHEREAS**, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

**WHEREAS**, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

**WHEREAS**, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and,

**WHEREAS**, in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities,

**NOW, THEREFORE, BE IT RESOLVED**, video franchise related revenue and benefits must not be reduced by the State, and

**BE IT FURTHER RESOLVED**, the Governing Body of the Borough of Franklin Lakes supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage; and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, the Senate Leadership; Senator Kevin J. O'Toole and Assembly Representatives Scott Rumana and David C. Russo; the Governor of the State of New Jersey; and the New Jersey State League of Municipalities.

#### **Resolution 265-11 Award Contract Thermal Printers**

**WHEREAS**, the Franklin Lakes Police Department solicited proposals and received seven proposals for the purchase of thermal printers; and,

**WHEREAS**, the Mayor and Council are desirous of awarding this contract to the vendor that submitted the lowest proposal, 10-75 Emergency Lighting LLC, 51 Executive Parkway Building 1, Ringwood, New Jersey 07456, for the proposal amount of \$1,050;

**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 contract for the purchase of three thermal printers be and is hereby awarded to 10-75 Emergency Lighting LLC, for the proposal amount of \$1,050; 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 is a sufficient appropriation to fund the purchase 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 10-75 Emergency Lighting, LLC, the Police Department and the Borough Treasurer.

#### **Resolution 266-11 Accept Merit Pay Plan Policy**

**WHEREAS**, the Borough Administrator has proposed a Merit Bonus Program for 2011 dated November 10, 2011 which is incorporated by reference herein;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey hereby approve the Merit Bonus Program for 2011 dated November 10, 2011, subject to such changes as may be approved by the Council's Administration and Finance Committee, if any.

#### **Resolution 267-11 Municipal Alliance Resolution**

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

