

**MEETING OF THE MAYOR AND COUNCIL  
DECEMBER 6, 2011  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on December 6, 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 Kahwaty, Councilwoman Lota, Council President Ramsey and Councilman Smith. Also present were Borough Administrator Greg Hart, Borough Attorney Lustgarten, and Borough Clerk Sally Bleeker. Councilman Friscia and Councilman Pedone were absent this evening.

**SUNSHINE LAW STATEMENT**

Borough Clerk Bleeker read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**ADMINISTRATION OF OATH OF OFFICE**

Mayor Bivona administered the Oath of Office to Councilman Charles Kahwaty.

**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: Councilmembers Kahwaty, Lota, Ramsey and Smith

Nays:

Abstain:

Absent: Councilmembers Friscia and Pedone

Motion Approved

Ilan Mamber, 204 Fawn Lane, stated that during the snow storm in late October, his driveway and street were severely blocked by trees and branches. During separate calls to the Police Department on October 31st, both he and his wife were told that they were legally required to remove any debris from the property. Mr. Mamber removed the branches from the street and on November 1<sup>st</sup>, their landscaper came and chipped the branches and removed the debris. At the end of the week, town employees came to the street and chipped and removed the trees and branches from neighboring homes. Mr. Mamber spoke to Mr. Hart about the situation on November 9<sup>th</sup> and was told that the town would not reimburse the \$401 charged by his landscaper for removal of debris from his property.

Mayor Bivona said that it is the responsibility for homeowners to remove fallen limbs and trees from their properties. However, on Friday, November 4<sup>th</sup>, a decision was made to help the vast majority of residents with branch and tree pick-up that resulted from this unprecedented storm. Mayor Bivona explained that this was done at the expense of the Borough because officials felt that this was a safety issue. Unfortunately, some residents had already cleared their property and there have been complaints relative to the timing of the pick-up. Mayor Bivona stated that there is no basis for any type of reimbursement to residents who did the work themselves. Councilman Smith said that this is not a

perfect world and in this case, the Council made a decision to do what they thought was right.

Lorraine Brevdeh, 881 Circle Avenue, updated Councilmembers on the situation at her property since the last Council Meeting. She and her husband have received an estimate from Mike Jost for \$41,000 to dig a trench to the front yard which would connect to an existing storm drain. Another excavator submitted a plan in the amount of \$16,000. Ms. Brevdeh's insurance carrier will cover the cost of renovation to the basement; however, the basement can't be fixed until the outside work is completed. Mr. Brevdeh said that part of the problem is caused by the house that was built in their backyard. It is unfair that they should have to deal with the consequences of the construction of a home which should not have been approved by the Borough. Mr. Brevdeh asked if the Hold Harmless Agreement is specific to this plan and Mr. Lustgarten indicated that this is the case.

Mr. Boswell stated that after the last Work Session, Mike Jost and several members from Boswell Engineering visited the Brevdeh property. Mr. Boswell had recommended a gravity connection to Circle Avenue rather than the pump system. He dispatched a survey crew to locate the inverts and he found a 36 inch pipe which meant that there could be backwards flow. After more research, Mr. Boswell determined that a gravity connection would be possible because the 36 inch pipe is nowhere near full. He said that he has no objections to the original plan and was not aware of the high cost of his suggestion. Mr. Boswell added that he reviewed the plan for the house that Mr. and Mrs. Brevdeh feel is causing their problems and found that seepage pits were correctly installed to redirect roof and pavement runoff back to the ground water. He pointed out that the average amount of rain at this time of year is 45 inches; however, this year there has been 70 inches of rain.

Mr. Hart stated that the Hold Harmless Agreement would be scheduled to be approved by the Mayor and Council at the meeting of December 20, 2011. Mr. Boswell said that the Brevdehs could begin the work on the property before that date; however, they would be prohibited from making the connection until after the agreement was approved.

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

#### Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Ramsey and Smith

Nays:

Abstain:

Absent: Councilmembers Friscia and Pedone

Motion Approved

#### **BOROUGH ENGINEER'S REPORT**

Eileen Boland, of Boswell Engineering, reported that three proposals were received for repair work to Forest Glen Avenue. She recommended the lowest bidder who is Mike Jost and this is part of the capital ordinance with the contract being awarded on December 20<sup>th</sup>.

Ms. Boland referred to the vacation of a paper street located on Block 1109, Lot 1 which is known as Omaha Way. This parcel of land is being purchased by Bergen County as part of a Green Acres Diversion permit for a water tank proposal. This diversion will keep the 13 acre parcel green forever and the paper street is actually an extension of Cheyenne Drive. The County is requesting that the vacation be done by ordinance at the January Work Session. Mr. Boswell explained that United Water is funding the purchase and giving the land to the County.

Ms. Boland referred to two Hold Harmless Agreements. She stated that the existing sump pump at 853 Huron Road is discharging water to the front lawn area of the property which also contains the existing septic disposal field. The property owner would like to connect to the storm system in the road and Ms. Boland indicated that this proposal is

feasible. She also recommended a Hold Harmless Agreement for the Brevdeh property at 881 Circle Avenue. These items will be listed on the December 20<sup>th</sup> Public Meeting agenda.

Council President Ramsey questioned Mr. Boswell relative to the dirt on High Mountain Road. Mr. Boswell said that Kevin Downes quoted a price of \$150 per load to remove the dirt. Mr. Downes estimated the number of loads to be 30, resulting in a price of \$4,500. Mr. Hart stated that the Borough doesn't have the money to spend on dirt removal at this time. Frank Rossi, of Boswell Engineering, indicated that he will continue to work on this. Mr. Boswell stated that this dirt is not suitable to be used as regular soil.

## **CONSENT AGENDA RESOLUTION**

Mayor Bivona asked for the removal of the award for flooring at Police Headquarters and the Capital Budget Amendment. Mr. Hart explained that they don't have the necessary information for the flooring and there was no need to amend the Capital Budget because he now realizes that the two items were previously contained in the capital budget.

### **Resolution 270-11**

**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 271-11	Accept Report of the Finance Committee
Resolution 272-11	Award Contract - Police Headquarters Excavation – Revised
Resolution 273-11	Chapter 159 – Van Dyk Donation
Resolution 274-11	Confirm Emergency Contracts
Resolution 275-11	Authorize Execution of ACH Agreement
Resolution 276-11	Budget Transfers

Resolution introduced by Councilman Kahwaty, seconded by Council President Ramsey.  
Discussion –None.

### Roll Call Vote

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

## **MAYOR'S REPORT**

### **• Public Safety Trust Fund**

Mayor Bivona stated that he hopes Councilmembers have had the opportunity to review his memo of December 2, 2011 relative to the Public Safety Trust Fund. This fund would solicit funds in support of the purchase or construction of large capital items for public safety. He attached a list from the Buildings and Grounds Committee identifying and prioritizing the needs of the community and Mr. Hart stated that the list could be approved by the Council. Mayor Bivona noted that the list is a work in progress and recommended that it be approved. Mr. Hart commented that the list goes beyond public safety. He reported that a meeting took place yesterday to discuss the hiring of an architect who would advise the Borough as the process goes forward. There is one other architect to interview and the Building Committee should have a recommendation for the December 20<sup>th</sup> meeting.

Councilman Kahwaty questioned donations and Mayor Bivona explained that they will have to reach beyond the taxpayer and he will look for private donations as well as any opportunity for grants. Mayor Bivona added that the plan will be integrated with some moneys coming from the Borough. He described this plan as a new approach which he fully expects to be successful if done in the correct manner. The Borough is trying to take a leadership role in terms of fundraising. Mr. Hart explained that this is a dedicated fund for public services and should be established by means of a Dedication by Rider resolution which could be done at the December 20<sup>th</sup> meeting. The fund will be more attractive after an architect is chosen and more specific strategy is drafted and approved by the Council.

Mayor Bivona referred to an annual appropriation for the fund and explained that as the debt load begins to lessen, the objective should be to put an annual capital expense into the budget. He suggested a transition to some kind of annual appropriation that would be deposited directly into this fund to benefit public safety. Councilman Smith said that people will be more likely to give money to the Borough for a specific project.

## **COMMITTEE/LIAISON REPORTS**

### **ENVIRONMENTAL & COMMUNITY**

- **Library Capital Improvements**

Mayor Bivona reported that the Library Board has revised their reserves for capital items from \$721,000 to \$471,000. Based on this change, they are suggesting the potential return of \$250,000 to the Borough which is subject to the final approval of the Library Board and the State Librarian. Mayor Bivona indicated that his is a step in the right direction; however, he does not agree with the result. He and another member of the Library Board believe that the amount of the capital reserve should be reduced further and the funds returned to the Borough for taxpayer relief should be considerably higher. Mayor Bivona and the Library Board President were unable to agree to a forum for further discussion. The Library Board does not feel comfortable agreeing to an open public meeting which is required if a meeting is scheduled with town officials

Mayor Bivona recommended that the Council formally object to this proposed reserve level along with the amount of money recommended to be returned for tax relief. He said that he continues to remain focused on thoughtful and efficient spending of taxpayer funds and adhering to a consistent spending policy based on real taxpayer needs.

Councilman Smith indicated his support of Mayor Bivona. He noted that there is a law stating that unless funds are assigned to a specific, identifiable capital project, monies are to be returned to the taxpayers. This summary of Capital Improvements does not appear to be in compliance with the law and he hopes that the Library Board will reconsider and return money to the taxpayers for a reduction of taxes.

Mayor Bivona reiterated that he wants a meeting between the Council and the Library Board. A quorum is necessary in order to make decisions. Detail is lacking from this document and some of these projects may not fit the current environment. Mayor Bivona stated that the Council may want to consider a challenge if the Library Board does not want to discuss this in a serious way. He reiterated that he will request a meeting between two Councilmembers and two Library Board members and if they do not agree, he will proceed with a challenge to the State Librarian.

- **Holiday Display**

Mr. Hart reviewed his email of November 15<sup>th</sup> and stated that he met with rabbis of three synagogues in Franklin Lakes. They discussed having a Menorah lighting ceremony at Borough Hall; however, they agreed that it was too late to put something together for this year. There are three different sects of Judaism represented in the Borough who must come to an understanding if the Mayor and Council approves the plan. Mr. Lustgarten explained that the Mayor and Council must have an overall policy relative to holiday celebrations. The governing body cannot discriminate for or against a particular religion

or religious symbols and the U.S. Supreme Court requires the symbols of the holiday to be integrated into a display. Mr. Lustgarten stated that many towns segregate their displays and this can be very controversial if not done properly. He recommended establishing a subcommittee to propose a policy decision for next year.

## **PLANNING & DEVELOPMENT**

- **Ryerson Road Special Assessment**

Councilman Kahwaty reported that the Ryerson Road improvements have been completed and the Special Assessments were made. Mr. Hart recalled at the November Public Meeting there was a discussion with the Tax Assessor and a possible amendment to his report based on comments made at that meeting. The Assessor reviewed this further and does not feel that any further adjustments to his report are necessary. Because the report is not being amended and the hearing is carried to December 20<sup>th</sup>, re-notification is not necessary but Mr. Hart will send a courtesy letter to the affected residents.

Councilman Smith said that he has asked the Assessor to review his method which involves the use of a front foot assessment. Councilman Smith explained that this method is not always a fair reflection of the benefit to each property especially in the case of odd shaped parcels. He realizes that the assessment process is subjective and even though it is far from perfect; he has now concluded that the front foot assessment is reasonable. Mr. Lustgarten explained that the improvement must be looked at in terms of how it affects the entity, meaning that an improved road generally adds value to the contiguous properties. The Council indicated that it will continue the public hearing without formal notice.

Councilman Kahwaty reported that the Planning Board is waiting for a revised plan from the architect on the Tice Road project. Mayor Bivona stated that the Kara Homes project on Colonial Road will be discussed at tomorrow night's meeting. Mr. Lustgarten indicated that he and John Spizziri, Planning Board Attorney, continue to work on the sign ordinance and the Master Plan.

## **RECREATION AND PARKS**

Due to the absence of Councilman Pedone, there was no discussion on the Recreation Trust Fund this evening.

## **ADMINISTRATION AND FINANCE**

- **Merit Bonus Program**

Mr. Hart stated that money had been appropriated for the Merit Bonus Program after Council discussion at the November Public Meeting. Shortly after, a petition was received from employees indicating that they were not in favor of this program. The PBA also stated that they are not in favor of the program and would not participate. Mr. Hart reluctantly recommended that the Council should not move forward at this time. He suggested that the Council continue to work on the concept in the new year.

## **PUBLIC SAFETY**

- **Fire Department Bail Out Systems**

Mr. Hart explained that the Fire Chief has done an excellent job of compiling information and making recommendations relative to monies proposed for bail out systems and the purchase of hose and adapters in the capital budget. He recommended moving forward with a contract award on December 20<sup>th</sup>. There has been some progress made regarding joint purchases with the other towns in the WOLF system.

- **Fire Department Rescue Boat**

Mr. Hart distributed a drawing of the canopy where the rescue boat would be housed at the Southside Fire House. Any costs involved in the materials or construction of the canopy would be covered by Fire Department. Fire Department Chief Knubel reported that he has been successful in acquiring a \$5,000 grant for the boat and has located a used 2006 boat in the amount of \$13,600 which is less than half the cost of a new boat.

Mayor Bivona said that the Council owes the Fire Department a decision tonight. Council President Ramsey pointed out that the Fire Department followed through to do everything asked of them by the Council. Councilwoman Lota agreed and said that she would be in favor of the purchase of a boat for the Fire Department. Councilman Kahwaty said that he would also support the purchase of the boat. Councilman Smith said that the Fire Department obviously feels very strongly about the boat which is why they were successful in bringing the price down. Therefore, he will rely on the decision of someone who is out in the field and indicated his support for the purchase of the boat.

Mr. Hart said that this purchase could be added onto the capital ordinance that is on tonight's agenda. Councilmembers agreed in order to avoid this going into next year.

- **Ambulance corps Bylaw Changes**

Councilwoman Lota stated that at this time students taking the EMT course are not allowed to ride in the ambulances. This change will allow student members enrolled in the EMT program and taking the course to do their hours with the Ambulance Corps. Councilmembers agreed to this change.

## **PUBLIC WORKS**

- **Cleaning Services Award**

Mr. Hart reported that bids were received from four vendors relative to cleaning services for Borough buildings. He recommended the award of bid to Maveric Building Services which will save several thousand dollars in the coming year.

- **Clothing Bins**

Council President Ramsey reviewed Mr. Lustgarten's letter of October 26, 2011. She said that the Council has not supported clothing bins over the years due to the mess they bring. Detective Jost felt that if the bin was located at the Recycling Center the Borough would have more control. Mr. Hart noted some issues in the agreement that would have to be changed and the Borough does not want to have logos on a bin for a profit organization. Councilman Smith objected to the bins altogether and said they are not worth the trouble for the small amount of money that would be collected for the Borough. Councilmembers discussed locating a bin at the Fire House because Brian Peterson indicated that the DPW is running out of space in their area. Councilmembers unanimously concluded that they are not in favor of the clothing bins.

Mayor Bivona noted some correspondence regarding the hard work done by the DPW during storm clean-up after the Halloween weekend storm. He said that all the work and efforts by the DPW are greatly appreciated including all of the holiday decorations they have installed throughout the Borough.

## **BOROUGH ADMINISTRATOR'S REPORT**

There were no questions of Mr. Hart's report this evening.

## **OLD BUSINESS**

There was no old business this evening.

## **NEW BUSINESS**

There was no new business for discussion this evening.

**ORDINANCE 1533-R**  
**BOROUGH OF FRANKLIN LAKES**  
**AMENDMENT TO 2011 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 6th day of December, 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-R be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1533-R 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-R; 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.

Mr. Hart explained that an ordinance establishing a new salary for snow plowers was introduced on November 7<sup>th</sup>. After some discussion at the meeting, a rate of \$25 per hour was agreed upon; however, the DPW Committee felt that this rate was not competitive. This ordinance would establish a rate of \$15 an hour when Borough employees are being paid at their hourly rate and \$22.50 an hour when Borough employees are paid at the overtime rate. He reiterated that this is the rate set for people outside of the DPW who are hired to work.

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

Roll Call Vote

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

The Borough Clerk read the title of the Ordinance.

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

Roll Call Vote

Ayes: Councilmembers Kahwaty, Lota, Ramsey and Smith  
Nays:  
Abstain:

Absent: Councilmembers Friscia and Pedone  
Motion Approved

**ORDINANCE 1534**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE OF VARIOUS ITEMS AND CERTAIN CAPITAL IMPROVEMENTS, AND APPROPRIATING \$47,100.00 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 \$47,100.00 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 6th day of December, 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 1534 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1534 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 1534; 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.

Mr. Hart explained that changes to this ordinance including the purchase of a rescue boat for the Fire Department from the capital surplus fund and the purchase of a generator for the Ambulance Corps building in the amount of \$30,000.

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

**Roll Call Vote**

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

The Borough Clerk read the title of the Ordinance.

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

**Roll Call Vote**

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

**RESOLUTION FOR 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, December 6, 2011 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Tax Appeal – TD Bank
- Tax Appeal – Morteza & Fatemah Abtahi
- Contractual – Lease for Firemen’s Field
- Contractual – Amendments to VFW Lease
  - Borough Attorney Letter
- Pending Litigation – Decker Lawsuit

**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 by Councilwoman Lota, seconded by Councilman Kahwaty at 9:35 P.M. to enter into Closed Session.

Roll Call Vote

Ayes: Kahwaty, Lota, Ramsey and Smith  
Nays: None  
Absent: Friscia, Pedone

The Council returned to Open Session at 10:05 P.M.

**ADJOURNMENT**

Motion by Councilman Smith to adjourn the meeting at 10:05 P.M. Councilman Kahwaty seconded the motion.

Roll Call Vote

Ayes: Kahwaty, Lota, Ramsey and Smith  
Nays: None  
Absent: Friscia, Pedone

**Resolution 271-11**

**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 \$1,999,161.61 as shown on the Claims Bill List; and \$11,875.00 as shown on the Soil Account Bill List; and \$2,124.00 as shown on the Developer’s Escrow List.

**RESOLUTION 272-11**

**AWARD CONTRACT**

**POLICE HEADQUARTERS EXCAVATION - AMENDED**

**WHEREAS**, on August 2, 2011, the Mayor and Council of the Borough of Franklin Lakes awarded a contract to Mike Jost Excavating for the excavation adjacent to the foundation wall of the Police Headquarters and other work related to the remediation of flooding issues at the Police Headquarters, for the proposal amount of \$14,100; and

**WHEREAS**, because of conditions discovered during the course of the work, the certain additional work was required, as detailed in the proposal dated October 6, 2011, in the amount of \$3,525, and thus the total contract amount must be amended to \$17,625;

**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 excavation adjacent to the foundation wall of the Police Headquarters and other related work, as awarded to Mike Jost Excavating, Inc., be and is hereby increased by \$3,525, for a total contract amount of \$17,625; 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 FURTHER RESOLVED** that a copy of this resolution be forwarded to Mike Jost Excavating, Inc., the Superintendent of Public Works, and the Borough Treasurer.

**Resolution 273-11**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Franklin Lakes has received a \$100.00, 2011 Private Donation – M & G Van Dyk and wishes to amend its 2011 Budget to include said amount as a revenue;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2011 Budget in the sum of \$100.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:

2011 Private Donation- M & G Van Dyk -

Franklin Lakes Police Department

\$100.00

**BE IT FURTHER RESOLVED** that a sum of \$100.00 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

2011 Private Donation- M & G Van Dyk -

Franklin Lakes Police Department

\$100.00

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

**Resolution 274-11**

**WHEREAS**, the Borough of Franklin Lakes suffered an unexpected snow storm on October 29, 2011; and,

**WHEREAS**, the Superintendent of Public Works and others assessed the damage in the Borough and advised the Borough Administrator that branch and limb chipping crews were needed to assist the Department of Public Works collect fallen branches, trees and limbs to abate safety hazards throughout the Borough; and,

**WHEREAS**, the Borough Administrator, in accordance with NJSA 40A:11-6, formed a conclusion based on the recommendations of the Superintendent of Public Works and others that an emergency affecting public health, safety and welfare exists requiring the immediate contracting for these services; and,

**WHEREAS**, the Superintendent of Public Works obtained proposals for branch and limb chipping; and,

**WHEREAS**, based on the aforementioned information and recommendations, contracts for branch and limb chipping were awarded to:

A&H Excavating LLC  
30 Boyle Avenue  
Totowa, New Jersey .....\$2,000 per day

Brian C. Brisby Landscape Design & Development, LLC  
207 Elbert Street  
Ramsey, New Jersey .....\$1,750 per day

Downes Tree Service Inc.  
65 Royal Avenue  
Hawthorne, New Jersey .....\$2,600 per day

**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 Mayor and Council hereby confirms and approves of the emergency contracts to assist the Borough respond and recover from the October 29, 2011 snow storm; and,

**BE IT FINALLY 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.

**RESOLUTION 275-11  
AUTHORIZE EXECUTION OF ACH AGREEMENT**

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes are desirous of implementing automated clearing house ("ACH") services through its operating account, held at TD Bank, to allow property owners to pay taxes online through a bank account debit transaction;

**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 Mayor Frank Bivona be and is hereby authorized to execute a Cash Management Master Agreement in substantially the form provided by TD Bank, subject to the approval of the Borough Attorney; and,

**BE IT FINALLY** that a copy of this resolution be forwarded to TD Bank, the Borough Attorney, and the Borough Chief Financial Officer.

**Resolution 276-11**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the following 2011 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Recycling Program-Contractual	\$54,000	
Uniform Construction Code-OE	3,000	
Unemployment Insurance	7,000	
Group Ins.-Hospital/Prescription	50,000	
Celebration of Public Events	1,000	
Police OE- Purchase of Vehicles	9,000	
Ambulance OE-Maintenance of Vehicles	3,000	
Fire Dept. OE-Medical Exp. -Physicals	15,000	
Police-S&W	16,000	
<b>To</b>		
Garbage Disposal Costs		\$104,000
General Administration-OE		6,000
Maintenance of Public Buildings		17,000
Vehicle Maintenance		10,000
Water		1,000
Telephone		2,500
Telecommunications Costs		500
Mayor & Council-OE		1,000
Fire Protection Official-S&W		1,000
Municipal Prosecutor-S&W		1,000
Road Repairs & Maintenance-S&W		12,000
Recreation Service & Programs-S&W		2,000
	<u>\$158,000</u>	<u>\$158,000</u>

Respectfully submitted,

*Sally T. Bleeker*

Sally T. Bleeker, Borough Clerk