

**MEETING OF THE MAYOR AND COUNCIL**  
**December 20, 2011**  
**6:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, December 20, 2011 in the Municipal Building.

**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 20, 2011 which begins at 6:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Collective Bargaining – P.B.A. and AFSCME
- Contractual – Borough Architect

**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.

**MEETING CALLED TO ORDER**

**ROLL CALL**

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

**SUNSHINE LAW STATEMENT**

Borough Clerk, Sally Bleeker, read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

## **APPOINTMENT**

### **Franklin Lakes Volunteer Fire Department – Junior Fire Fighter**

At this time Mayor Bivona called forward Jonathan Reitz to be sworn in as a Junior Fire Fighter. Council President Ramsey assisted in the swearing in.

## **RECOGNITION OF SERVICE – COUNCILMAN MICHAEL FRISCIA**

Council President Ramsey came forward to thank Councilman Friscia for all the time that he has given to the Borough, adding that he was always hard working and dedicated and also a distinguished member and chairman of the Planning Board.

Mayor Bivona came forward thanking Councilman Friscia and adding that it was a great pleasure serving with him. Mayor Bivona also added that Councilman Friscia will be missed and that he has contributed so much to the town and it was much appreciated.

Councilman Friscia came forward saying that he appreciates the recognition, but felt that he should be the one thanking all of them and the residents of Franklin Lakes for allowing him to serve on behalf of the Borough. He also thanked his family who supported him for his two terms and even before that on the Planning Board. He said it was a tremendously rewarding experience working with the excellent employees that they have in the Borough, the amazing volunteers, and the best professionals. He believes that over the years they have done some good work to move Franklin Lakes in a positive direction. He said that one thing that he is particularly proud of was the purchase of the Haledon Reservoir which is now the Franklin Lakes Nature Preserve. He is pleased that the Council is all experienced and all love the Borough and will continue to work well for the Borough. He is also pleased that they have the excellent leadership of Mayor Bivona who has done a tremendous job and will continue to do so. He added that it has been an interesting and rewarding experience citing that they have had late nights and have gone through times that have been financially difficult for the Borough but he thinks they have come out of them and are well positioned. He wishes everyone the best.

## **OPEN THE TIME FOR PUBLIC COMMENT**

Motion to open the time for public comment was made by Councilman Smith, seconded by Council President Ramsey.

### Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

No one came forward from the public.

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

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

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 Kahwaty, seconded by Councilwoman Lota.

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

Carl Barbara, 242 Pulis Avenue – Came forward questioning whether his offer from last meeting has been denied and if so he would like to know why, especially since the residents of Wildwood Avenue were offered a form of compensation. His home faces Pulis Avenue and he still does not see the benefit of having Ryerson Road paved.

Councilman Smith explained that the analysis by the Borough Assessor, Mr. Leposky, is an attempt to distribute fairly the benefits derived by each of the property owners as a result of the paving. The method Mr. Leposky used is a method accepted by the courts. It is not 100% accurate, but the courts have said that although it is not 100% accurate it is a reasonable method to use. There is another method which is too expensive for the municipality to undertake and that would be to take an assessment of your property before the road is paved and then assess your property after your road is paved and you would have to do that with every property and even then there is a lot of subjective judgments that come into play that could cause him to be unhappy with the result. Councilman Smith looked at all the properties to determine whether or not there was some obvious way that it could be done but he did not find one other than by using the

front footage along with the appropriate adjustments. He says it's not perfect but is the method that's accepted and he believes there is no better way to do it.

Mr. Barbara said that his frontage almost is double his neighbor who also fronts Pulis Avenue and he has a better lot than what he has.

Mr. Leposky said that they made a 50% adjustment to his property. Councilman Smith explained that this is the fairest method. Mr. Barbara also brought up the fact that people use his driveway to cut through on Ryerson Road. Mr. Barbara thought that everyone was more than happy to take his offer at the last meeting.

Borough Attorney, Richard Lustgarten, explained to Mr. Barbara that they want systemic uniformity and the linear approach reaches that end most appropriately as compared to other methods. He went on to say that no one is ever satisfied during a special assessment and everyone has their own view of what the benefit is to the property. To try to achieve uniformity is what the assessor looks at and that's why there's a discount for backyards and things like that. He told Mr. Barbara that his offer was considered and the numbers were given to the Tax Assessor and given to the Borough Administrator, but at the end of the day they had to rely upon Mr. Leposky's assessment and his evaluation. It was concluded that to achieve systemic uniformity this was the most appropriate way to go.

Mr. Barbara went on to say that the system does not make sense especially when the person at the end of the road, who needs to use it the most to get to his home, is paying less than he is.

Councilman Friscia asked about the previous proposal and Mr. Lustgarten advised him as to what happened.

Councilman Smith said that we are not in the position to settle with just one homeowner.

Mayor Bivona said he was not sure we can entertain settlement offers without adopting the road assessment first. If we did it now, we would have to push the cost onto someone else and then have another hearing. Mayor Bivona said the proper thing to do would be to adopt this and then entertain settlements.

Councilman Smith said that you cannot put the extra cost onto the other homeowner anymore than the amount that represents the increase to the value of their property.

Mr. Barbara recalled that the town put forward about \$20,000 to the Wildwood Avenue assessment. He remembered that when they talked about his offer that nobody's assessment would change and that the difference that he was looking for would come from the town, similar to what happen to Wildwood Avenue. He believed that was what Councilman Smith was driving at. Mr. Barbara said he could write them the settlement check right now.

Further discussion ensued in regards to the shape of Mr. Barbara's property. Further discussion also ensued about another home owner's property.

Linda Green, came forward questioning who owned a certain strip of property.

Councilman Friscia had questions for the tax assessor, Mr. Leposky, regarding calculating backyards which Mr. Leposky answered.

Mayor asks 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 Councilman Kahwaty.

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**Resolution Confirming Ryerson Road Special Assessment**

**Resolution 296-11**

**WHEREAS**, certain street improvements have been constructed benefiting properties in the area known as the Ryerson Road area, which includes properties with street addresses on Ryerson Road and Pulis Avenue, in accordance with a special benefit assessment; and,

**WHEREAS**, in accordance with N.J.S.A. 40:56-30, the Tax Assessor has certified the assessment for benefits to the Mayor and Council by a report dated October 3, 2011 on the lands specially benefited therefrom in proportion to the benefits received; and,

**WHEREAS**, the Borough Clerk has published notice in a newspaper circulating in the Borough, once in each week for two weeks prior to the November 10, 2011 Mayor and Council meeting which provides notice that the Mayor and Council shall consider the aforesaid report of the Tax Assessor at the November 10, 2011 Mayor and Council meeting, at 7:30 pm; and,

**WHEREAS**, notice was sent to each of the affected property owners that the Mayor and Council would be considering the aforesaid report of the Tax Assessor at the November 10, 2011 Mayor and Council meeting, at 7:30 pm; and,

**WHEREAS**, the Mayor and Council met at said time and place and provided an opportunity for affected property owners to be heard concerning said report and the opportunity to be heard was also continued to the December 20, 2011 Mayor and Council meeting; and,

**WHEREAS**, at the December 29, 2011 meeting, affected property owners were again provided with the opportunity to be heard;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey that the Tax Assessor's report assessing the costs and expenses of construction of certain street improvements benefiting properties in the area known as the Ryerson Road area, which includes properties with street addresses on Ryerson Road and Pulis Avenue, is hereby accepted; and,

**BE IT FURTHER RESOLVED** that the Tax Assessor's report shall be filed with the Borough Clerk and the assessments shall hereby constitute liens upon the lands so assessed for special benefits; and,

**BE IT FURTHER RESOLVED** that, when any assessment shall not be paid within two months after the date of this Resolution, then interest thereon from the date of this Resolution shall be imposed at the same rate as may be imposed for unpaid taxes; and,

**BE IT FURTHER RESOLVED** that, in accordance with N.J.S.A. 40:56-35, the owner of any real estate upon which an assessment has been made may pay such assessment in equal yearly installments of principal and interest, not exceeding 10 years in duration, with legal interest thereon, but any person may pay the whole of the assessment, or any balance of installments, with accrued interest, at one time; and,

**BE IT FINALLY RESOLVED** that a certified copy of this Resolution, together with the Tax Assessor's report, be forwarded to the Chief Financial Officer and Tax Collector.

Resolution read and introduced by Councilman Smith, seconded by Council President Ramsey. Discussion – Councilman Friscia did not feel the assessment was fair and felt a different approach was needed. Mayor Bivona asked him for a suggestion. Other than the appraisal approach, Councilman Friscia, said he did not have one. He wasn't aware of what other approaches there were. Richard Lustgarten said we would have to have an appraiser go out at a cost of \$1,500.

Councilman Smith added that they would have to object to the Tax Assessor's report too. He suggested that it be adopted and then as with Wildwood Avenue, if any of the property owners contest it then they would be in a better position to reconsider. He does not feel that we should start from square one again.

Borough Attorney, Lustgarten stated for the record that the statute has been followed, the council received a report from the assessor and the assessor re-reviewed his report at the request of the tax payer. From a legal stand point if anyone believes this is insufficient there is always a problem determining value whether it be in a standard tax appeal or special assessment. He does not want anyone coming away thinking that there is a legal deficiency as the statute was appropriately applied and the assessor applied the appropriate standard.

Roll Call Vote:

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

**ORDINANCE NO. 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 10<sup>th</sup> day of November, 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 1532 be and the same is hereby adopted on second and final reading; and,

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

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

Roll Call Vote:

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

No one from the public came forward.

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

Roll Call Vote:

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

Resolution read and introduced by Councilman Smith, seconded by Council President Ramsey. Discussion – none.

Roll Call Vote:

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

**ORDINANCE NO. 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”**

Motion to withdraw was made by Councilman Smith, seconded by Councilman Kahwaty.

Roll Call Vote:

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

**ORDINANCE NO. 1533-R**

**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 6<sup>th</sup> day of December, 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 1533-R be and the same is hereby adopted on second and final reading; and,

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

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

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

No one from the public came forward.

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

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

Resolution read and introduced by Councilman Smith, seconded by Council President Ramsey. Discussion – none.

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:  
Absent: Pedone  
Motion Approved.

**ORDINANCE NO. 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 6<sup>th</sup> day of December, 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 1534 be and the same is hereby adopted on second and final reading; and,

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

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

Roll Call Vote:

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

No one from the public came forward.

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

Roll Call Vote:

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

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

Roll Call Vote:

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

**CONSENT AGENDA RESOLUTION**

**Resolution 277-11**

**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 278-11 Accept Report of the Finance Committee
- Resolution 279-11 Dedication By Rider – Public Safety Trust Fund
- Resolution 280-11 Hold Harmless – Hall
- Resolution 281-11 Award Contract – Fire Department Bail Out Systems
- Resolution 282-11 Award Contract – Fire Department Hoses and Adapters
- Resolution 283-11 Award Contract – Fire Department Rescue Boat
- Resolution 284-11 Amend Ambulance Corps Bylaws
- Resolution 285-11 Award Contract Cleaning Services – Borough Buildings
- Resolution 286-11 Award Contract – Forest Glen Drainage
- Resolution 287-11 Stipulation of Settlement – Abtahi
- Resolution 288-11 Chapter 159 – 2011 Body Armor Replacement Grant
- Resolution 289-11 Chapter 159 – Van Dyk Donation
- Resolution 290-11 Budget Transfers
- Resolution 291-11 Interlocal Services Agreement – Purchase of Brine
- Resolution 292-11 Award Contract – Police Headquarters Flooring
- Resolution 293-11 Award Contract – Ambulance Corp. Generator

- Resolution 294-11      Cancelling Balances of General Capital Improvement Authorizations  
Resolution 295-11      Cancelling Current Fund Grant Receivables and Appropriation Reserves

As per Borough Administrator Greg Hart and Councilman Smith the following resolutions were being tabled and/or removed:

Stipulation of Settlement – TD Bank – TABLED to January Work Session  
Award Contract – Portable Signs - REMOVED

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

Roll Call Vote:

Ayes:                  Friscia (with exceptions), Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:              Friscia – Resolution 278-11, Resolution 285-11, Resolution 291-11, Resolution 293-11

Absent:                Pedone

Motion Approved.

**ACTION ON MINUTES**

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

- October 4, 2011 Closed Session
- November 1, 2011 Closed Session
- November 1, 2011 Worksession
- November 10, 2011 Regular

Discussion – none.

Roll Call Vote:

Ayes:                  Friscia (with exceptions), Kahwaty (with exceptions), Lota (with exceptions), Ramsey, Smith

Nays:

Abstain:              Friscia – November 10, 2011 Regular and November 1, 2011 Closed; Kahwaty – November 10, 2011 Regular; Lota – November 1, 2011 Closed Session

Absent:                Pedone

Motion Approved.

**OLD BUSINESS**

No Old Business to discuss at this time.

**NEW BUSINESS**

No New Business to discuss at this time.

**ADJOURNMENT**

At 8:40 p.m. a motion to adjourn was made by Councilman Smith, seconded by Councilwoman Lota.

Roll Call Vote:

Ayes: Friscia, Kahwaty, Lota, Ramsey, Smith

Nays:

Abstain:

Absent: Pedone

Motion Approved.

**Resolution 278-11 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 \$210,726.04 as shown on the Claims Bill List; and \$820.00 as shown on the Soil Account Bill List.

**BE IT FURTHER RESOLVED**, that the payroll of November 10, 2011 in the amount of \$240,412.40 and that the payroll of November 23, 2011 in the amount of \$243,499.81 be hereby ratified and approved.

**Resolution 279-11 Dedication By Rider – Public Safety Trust 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 is desirous of establishing a dedicated fund for receiving contributions from various organizations and individuals for public safety purposes, and,

**WHEREAS**, N.J.S.A. 40A:5-29 provides that the Director of the Division of Local Government Services may approve expenditures of such monies by dedication by rider;

**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 hereby request permissions of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:5-29, for the exclusive purpose of depositing and expending funds paid by organizations and individuals for public safety purposes to offset these public safety costs; and,

**BE IT FINALLY 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 280-11    Hold Harmless – Hall**

**WHEREAS**, Carolyn Hall, owner of Block 2202.06, Lot 1.01, in the Borough of Franklin Lakes, has requested permission to connect to the Borough owned drainage system located within Huron Road via an existing inlet; 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 2202.06 Lot 1.01, be and is hereby permitted to connect to the Borough owned drainage system located within Huron Road via an existing inlet as prepared by the Borough Attorney.

**Resolution 281-11    Award Contract – Fire Department Bail Out Systems**

**WHEREAS**, the Borough of Franklin Lakes received three (3) proposals for the purchase of Fire Department Bailout Systems; 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. The AAA Emergency Supply, 635 North Broadway, White Plains, NY 10603 is hereby awarded a contract in the amount of \$34,999.50.
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 282-11 Award Contract – Fire Department Hoses and Adapters**

**WHEREAS**, the Borough of Franklin Lakes received four (4) proposals for the purchase of Fire Department hose and adapters, including the proposal obtained through the WOLF Group; 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. The Absolute Fire Protection 2800 Hamilton Boulevard, South Plainfield, NJ 07080 is hereby awarded a contract in the amount of \$16,939.00.
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 283-11 Award Contract – Fire Department Rescue Boat**

**WHEREAS**, the Fire Chief, Denny Knubel, solicited proposals for the purchase of a Rescue One Connector boat and trailer; and,

**WHEREAS**, the Mayor and Council are desirous of awarding this contract to Mid-Atlantic Rescue Systems, Inc., 7907 Hawthorne Drive, Frederic, Maryland 21702, for the proposal amount of \$13,600, of which \$5,000 will be paid from a grant from the Aaron & Rachel Meyer Memorial Foundation, for a net cost to the Borough of \$8,600;

**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 a Rescue One Connector boat and trailer be and is hereby awarded to Mid-Atlantic Rescue Systems, Inc., for the proposal amount of \$13,600, of which \$5,000 will be paid from a grant from the Aaron & Rachel Meyer Memorial Foundation, for a net cost to the Borough of \$8,600; 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 Mid-Atlantic Rescue Systems, Inc., the Fire Chief, and the Chief Financial Officer.

**Resolution 284-11 Amend Ambulance Corps Bylaws**

**WHEREAS**, the Franklin Lakes Volunteer Ambulance Corps has amended its by-laws; and

**WHEREAS**, such amendment, in accordance with municipal ordinances, is required to be approved by the Mayor and Council; and

**WHEREAS**, the Mayor and Council and the Municipal Attorney have reviewed the by-laws, and have concluded that they comply with all municipal ordinances;

**THEREFORE, IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the amended by-laws of the Franklin Lakes Volunteer Ambulance Corps are hereby approved.

**Resolution 285-11 Award Contract Cleaning Services – Borough Buildings**

**WHEREAS**, the Borough of Franklin Lakes advertised for and opened bids on November 29, 2011 for Cleaning Services for the period from January 1, 2012 to December 31, 2012, with a Borough option for two additional one year periods; and

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

**WHEREAS**, four (4) companies submitted a bids for Cleaning Services; and

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

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

1. Maverick Building Services, Inc. 22 Chestnut Street Rutherford, NJ 07070, is hereby awarded the contract for Cleaning Services for the period from January 1, 2012 to December 31, 2012, with a Borough option for two additional one year periods, for the base bid amount of \$19,980.00 in accordance with the bid specifications.

2. A Certification of Funds has been prepared and authorized by the Temporary Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

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

**Resolution 286-11 Award Contract – Forest Glen Drainage**

**WHEREAS**, the Borough of Franklin Lakes received three (3) proposals for the repair of two headwalls and stream stabilization which eroded due to recent storms; 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. Mike Jost Excavating, Inc. P.O. Box 527, Franklin Lakes, NJ 07417 is hereby awarded a contract in the amount of \$6,800.00
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 287-11 Stipulation of Settlement – Abtahi**

**WHEREAS**, Morteza Abtahi and Fatemeh Abtahi, filed a real property tax appeal for the year 2010 [Docket No. 019210-2010]; and

**WHEREAS**, the real property assessment for the subject premises, located at 231 Hidden Pond Path (Block 1206, Lot 17) on the Tax Assessment Map of the Borough of Franklin Lakes for the year 2010 is as follows:

**2010**

Land	\$ 604,500
Improvements	\$1,517,500
Total	\$2,122,000

and;

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

**2010**

Land	\$ 604,000
Improvements	\$1,295,500
Total	\$1,900,000

**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 288-11 Chapter 159 – 2011 Body Armor Replacement Grant**

**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 \$2,204.15 2011 Body Armor Replacement Grant 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 \$2,204.15 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2011 Body Armor Replacement Grant	\$2,204.15

**BE IT FURTHER RESOLVED** that a sum of \$2,204.15 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 Body Armor Replacement Grant	\$2,204.15

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

**Resolution 289-11 Chapter 159 – Van Dyk Donation**

**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 290-11 Budget Transfers**

**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>
Garbage Disposal Costs	\$55,000	
Cable TV Equipment/Maintenance	10,000	
Group Health Ins. Plan	10,000	
Police-S&W	15,600	
		<u>To</u>
		Garbage & Trash Removal <span style="float: right;">\$63,000</span>
		Engineering Services <span style="float: right;">2,500</span>
		Maintenance of Public Buildings <span style="float: right;">10,000</span>
		Vehicle Maintenance <span style="float: right;">5,000</span>
		Electricity <span style="float: right;">8,000</span>
		Municipal Prosecutor-S&W <span style="float: right;">500</span>
		Zoning Board-S&W <span style="float: right;">100</span>
		Fire Department-S&W <span style="float: right;">500</span>
		Municipal Court-S&W <span style="float: right;">1,000</span>
	<u>\$90,600</u>	<u>\$90,600</u>

**Resolution 291-11 Interlocal Services Agreement – Purchase of Brine**

**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 Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for the purchase of brine with the Borough of Oakland for the years 2012 and 2013 after review and approval by the Borough Attorney.

**Resolution 292-11 Award Contract – Police Headquarters Flooring**

**WHEREAS**, the Superintendent of Public Works, Brian Peterson, solicited proposals for the purchase and installation of flooring at the Police Headquarters; and,

**WHEREAS**, the Mayor and Council are desirous of awarding this contract to the vendor that submitted the lowest proposal, Abbey Carpet & Floor of Hawthorne, 1030 Goffle Road, Hawthorne, New Jersey 07506, for the proposal amount of \$5,211.40;

**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 and installation of flooring at the Police Headquarters be and is hereby awarded to Abbey Carpet & Floor of Hawthorne, for the proposal amount of \$5,211.40; 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 Rudox Engine and Equipment Company, the Superintendent of Public Works, and the Chief Financial Officer.

**Resolution 293-11 Award Contract – Ambulance Corp. Generator**

**WHEREAS**, the Borough’s electrician, Michael Hickey, solicited proposals for the purchase of a generator for the Ambulance Corps; and,

**WHEREAS**, the Borough’s electrician has recommended that the contract be awarded to Kraft Power Corporation, 199 Wildwood Avenue, Woburn, Massachusetts 01801, for the proposal amount of \$20,590;

**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 Borough’s electrician is hereby accepted and the contract for the purchase of a generator for the Ambulance Corps be and is hereby awarded to Kraft Power Corporation, for the proposal amount of \$20,590; 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 Kraft Power Corporation, the Franklin Lakes Ambulance Corps, Michael Hickey, and the Chief Financial Officer.

**Resolution 294-11 Cancellling Balances of General Capital Improvement Authorizations**

**WHEREAS**, a certain General Capital Grant Receivable balance remains on the Borough’s financial statements for a project which as been completed; and,

**WHEREAS**, it is necessary to formally cancel said receivable balance, along with the unexpended portion of the project authorization; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Franklin Lakes, that the following receivable and unexpended improvement authorization balances in the General Capital Fund be cancelled as follows:

Ordinance		Grant	
<u>No.</u>	<u>Description</u>	<u>Receivable</u>	
<u>Authorization</u>			
1474	2010 Road and Curb Improvements	<u>\$35,770.50</u>	<u>\$35,770.50</u>

**Resolution 295-11 Cancellling Current Fund Grant Receivables and Appropriation Reserves**

**WHEREAS**, certain grant receivable balances remain on the Current Fund Balance Sheet; and,

**WHEREAS**, unexpended budget appropriation balances associated with these receivables remain on the Current Fund Balance Sheet; and,

**WHEREAS**, it is necessary to formally cancel said grant receivable and unexpended budget appropriation balances from the Current Fund Balance Sheet;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Franklin Lakes,, that the following grant receivable and unexpended budget appropriation balances be cancelled as of December 31, 2011:

Unexpended	Receivable
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<u>Grant Description</u> <u>Appropriation</u>	<u>Balance</u>	
County of Bergen H1N1	\$7,000	\$7,000
Obey the Signs, Pay the Fines	\$8,000	\$8,000
Over the Limit, Under Arrest	\$11,000	\$11,000

Respectfully submitted,

  
Sally T. Bleeker, Borough Clerk