

**MEETING OF THE MAYOR AND COUNCIL**

**February 21, 2012**

**7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, February 21, 2012 in the Municipal Building.

**MEETING CALLED TO ORDER**

Council President Kahwaty called the meeting to order.

**ROLL CALL**

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

**SUNSHINE LAW STATEMENT**

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

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PROCLAMATION**

**READ ACROSS AMERICA**

**WHEREAS**, the citizens of the Borough of Franklin Lakes stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, the Borough of Franklin Lakes has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

**WHEREAS**, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 2, 2012, which would have been the 108th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

**WHEREAS**, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes call on the citizens of Franklin Lakes to assure that every child is in a safe place reading together with a caring adult on March 2, 2012;

**AND BE IT FURTHER RESOLVED** that this body enthusiastically endorses NEA's *Read Across America* and *Read Across America-NJ*, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

**APPOINTMENTS**

- Robert Payton, Jr. – Fire Department
- Jonathan C. Reitz – Fire Department
- James G. Economou – Dispatcher

At this time Council President Kahwaty called Robert Payton, Jr. forward and swore him in as a member of the Franklin Lakes Volunteer Fire Department. Councilwoman Lota assisted.

Motion to approve the various appointments was made by Councilman Kelly, seconded by Councilman Pedone.

Roll Call:

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

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Roll Call:

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

No one came forward from the public.

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

Roll Call:

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

**NEW BUSINESS**

**ORDINANCE 1537**

**AN ORDINANCE AMENDING CHAPTER 42 “FIRE DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES**

**WHEREAS**, an ordinance entitled AN ORDINANCE AMENDING CHAPTER 42 “FIRE DEPARTMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES was introduced at a meeting of the Mayor and Council held on the 21<sup>st</sup> day of February, 2012;

**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 1537 be and the same is hereby adopted on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1537 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20<sup>th</sup> day of March 2012 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 1537; and,

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

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

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey, Smith

Motion Approved.

**ORDINANCE 1538**

**EXCEED THE 2012 MUNICIPAL BUDGET COST OF LIVING  
ALLOWANCE AND TO  
ESTABLISH A CAP BANK**

**WHEREAS**, an ordinance entitled EXCEED THE 2012 MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK was introduced at a meeting of the Mayor and Council held on the 21<sup>st</sup> day of February, 2012;

**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 1538 be and the same is hereby adopted on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1538 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20<sup>th</sup> day of March 2012 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 1538; and,

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

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

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey, Smith

Motion Approved.

**INTRODUCTION OF THE 2012 MUNICIPAL BUDGET:**

**Resolution 39-12 2012 Budget Introduction**

**BE IT RESOLVED**, that the following statements of Revenue and Appropriations shall constitute the local budget for the year 2012, and

**BE IT FURTHER RESOLVED**, that the said budget be published in the February 24, 2012 issue of The Ridgewood News, together with a notice to the public that the public hearing will be held in the Municipal Building on March 20, 2012 at 7:30 PM or as soon thereafter as the matter can be reached by the Governing Body of the Borough of Franklin Lakes, and does hereby appropriate the following as the budget for year 2012:

Appropriations	
Municipal Purposes in Cap	\$12,249,037.00
Municipal Purposes out Cap	3,181,125.00
Reserve for Uncollected Taxes	<u>\$ 1,035,000.00</u>
Total General Appropriations	\$16,465,162.00
Less Anticipated Revenue other than	
Current Taxes	<u>\$ 5,649,902.00</u>
Amount to be raised by taxation:	
Municipal Purposes	\$ 9,324,431.00
Library Tax	\$ 1,490,829.00

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

Roll Call:

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

**PUBLIC HEARINGS**

**ORDINANCE 1535**

**AN ORDINANCE VACATING A CERTAIN ROAD EASEMENT ON BLOCK 1109, LOT 1 AT OMAHA DRIVE AND CHEYENNE WAY**

**WHEREAS**, an ordinance entitled, AN ORDINANCE VACATING A CERTAIN ROAD EASEMENT ON BLOCK 1109, LOT 1 AT OMAHA DRIVE AND CHEYENNE WAY was introduced at a meeting of the Mayor and Council held on the 7<sup>th</sup> day of February, 2012 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 1535 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 Councilman Pedone. Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone  
Nays:  
Abstain:

Absent: Ramsey, Smith  
Motion Approved.

No one from the public came forward.

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

Roll Call:

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

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

Roll Call:

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

**ORDINANCE 1536**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 300  
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE  
BOROUGH OF FRANKLIN LAKES TO PERMIT PUBLIC  
WATER UTILITY USES AS CONDITIONAL USES**

**WHEREAS**, an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PERMIT PUBLIC WATER UTILITY USES AS CONDITIONAL USES was introduced at a meeting of the Mayor and Council held on the 7<sup>th</sup> day of February, 2012 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 1536 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 Council President Kahwaty. Seconded by Councilman Pedone. Discussion – none.

Roll Call:

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

No one from the public came forward.

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

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey, Smith

Motion Approved.

Resolution read and introduced by Councilwoman Lota, seconded by Councilman Kelly.

Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey, Smith

Motion Approved.

**CONSENT AGENDA RESOLUTION**

**Resolution 40-12**

**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 41-12	Accept Report of the Finance Committee
Resolution 42-12	Field Use - Lions Club Circus
Resolution 43-12	Field Use - Lions Club Carnival
Resolution 44-12	Facilities Use – YMCA Triathlon
Resolution 45-12	Refund of Taxes Block 2709, Lot 3.01
Resolution 46-12	Award State Contract Copiers
Resolution 47-12	Stipulation of Settlement – Gerber
Resolution 48-12	Budget Transfers
Resolution 49-12	Authorize Emergency Temporary Appropriations for CY 2012
Resolution 50-12	Interlocal Service Agreement Sanitary Sewer Cleaning
Resolution 51-12	Agreement – Nature Preserve Water Quality Management
Resolution 52-12	Agreement – Bergen County Department of Health Services-Sanitarian
Resolution 53-12	Agreement – Valley Hospital Nursing Services and Communicable Disease Management
Resolution 54-12	Agreement – Tyco Animal Control
Resolution 55-12	Agreement – West Bergen Mental Health
Resolution 56-12	Agreement – Waldwick Well Baby Clinic
Resolution 57-12	Professional Service Robert McNerney & Associates First Real Estate Investment Trust Tax Appeal
Resolution 58-12	Professional Service Agreement – Appraisal Services
Resolution 59-12	Professional Service Agreement – Bond Counsel
Resolution 60-12	Professional Service Agreement – Borough Attorney
Resolution 61-12	Professional Service Agreement – Borough Auditor
Resolution 62-12	Professional Service Agreement – Borough Engineer
Resolution 63-12	Professional Service Agreement – COAH Counsel
Resolution 64-12	Professional Service Agreement – Grant Professionals
Resolution 65-12	Professional Service Agreement – Labor Attorney
Resolution 66-12	Professional Service Agreement – Professional Planning Services
Resolution 67-12	Professional Service Agreement – Risk Manager
Resolution 68-12	Professional Service Agreement – Tax Appeal Counsel
Resolution 69-12	Budget Self Examination

The Following Resolutions were removed as per Borough Administrator, Greg Hart.

- Professional Service Agreement – Board of Adjustment Attorney - REMOVED
- Professional Service Agreement – Planning Board Attorney - REMOVED

Resolution read and introduced by Councilwoman Lota, seconded by Councilman Pedone.

Roll Call:

Ayes: Kahwaty (with exceptions), Kelly, Lota, Pedone

Nays:

Abstain: Kahwaty – Resolution 42-12 and Resolution 43-12

Absent: Ramsey, Smith

Motion Approved.

**ACTION ON MINUTES**

A motion was made by Council President Kahwaty and seconded by Councilman Pedone to accept the minutes of:

- December 6, 2011 Closed
- January 3, 2012 Closed
- January 17, 2012 Closed
- February 7, 2012 Closed
- January 1, 2012 Reorganization
- January 3, 2012 Worksession
- January 17, 2012 Regular Meeting
- January 25, 2012 Special Budget
- February 2, 2012 Special Budget

Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly (with exception), Lota, Pedone

Nays:

Abstain: Kelly – December 6, 2011 Closed

Absent: Ramsey, Smith

Motion Approved.

**SWEARING IN OF NEW VOLUNTEER FIRE DEPARTMENT MEMBER**

- Jonathan C. Reitz – Fire Department

At this time, Jonathan C. Reitz arrived at the meeting and Council President Kahwaty called Jonathan C. Reitz forward and swore him in as a member of the Franklin Lakes Volunteer Fire Department. Councilwoman Lota assisted.

**OLD BUSINESS**

No Old Business to discuss at this time.

**CLOSED SESSION**

There were no items to discuss for Closed Session.

**ADJOURNMENT**

Motion to adjourn the meeting at 7:55 p.m. was made by Councilman Pedone, seconded by Councilman Kahwaty. Discussion – none.

Roll Call:

Ayes: Kahwaty, Kelly, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey, Smith

Motion Approved.

**Resolution 41-12 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 \$318,958.43 as shown on the Claims Bill List; and \$1,372.50 as shown on the Soil Account Bill List.

**Resolution 42-12 Field Use - Lions Club Circus**

**WHEREAS**, the Lions Club of Franklin Lakes has requested the use of McBride Field for its annual circus to be held on September 16, 2012; and,

**WHEREAS**, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Lions Club of Franklin Lakes is hereby granted permission to use McBride Field for its annual circus on September 16, 2012, subject to: (1) a donation to the Franklin Lakes Beautification Fund and/or Public Safety Trust Fund; and (2) compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to the Lions Club of Franklin Lakes and the Recreation and Parks Director.

**Resolution 43-12 Field Use - Lions Club Carnival**

**WHEREAS**, the Lions Clubs of Wyckoff and Franklin Lakes have requested the use of McBride Field, for its annual carnival to be held on July 10 to July 16, 2012; and,

**WHEREAS**, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Lions Clubs of Wyckoff and Franklin Lakes are hereby granted permission to use McBride Field, for its annual carnival on July 10 to July 16, 2012, subject to: (1) a donation to the Franklin Lakes Beautification Fund and/or Public Safety Trust Fund; and (2) compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to the Lions Clubs of Wyckoff and Franklin Lakes and the Recreation and Parks Director.

**Resolution 44-12 Facilities Use - YMCA Triathlon**

**WHEREAS**, the Wyckoff Family YMCA has requested the use of Borough facilities, including McBride Field, for its annual Wyckoff-Franklin Lakes Triathlon to be held on June 16, 2012;

**WHEREAS**, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Wyckoff Family YMCA is hereby granted permission to use Borough facilities, including McBride Field, for its annual Wyckoff-Franklin Lakes Triathlon on June 16, 2012, subject to: (1) a donation to the Franklin Lakes Beautification Fund; and (2) compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Wyckoff Family YMCA and the Recreation and Parks Director.

**Resolution 45-12     Refund of Taxes Block 2709, Lot 3.01**

**WHEREAS**, the Municipal Tax Assessor has recommended in the tax years 2009 & 2010 a reduction in the assessed value for Block 2709 - Lot 3.01, due to a fire that occurred February 6, 2009, completely destroying the improvement on the subject with an assessed value of \$195,600, and:

**WHEREAS**, the assessment change as listed below;

Original assessment (2009) \$907,600, Taxes \$10,845.82

Revised assessment (2009) \$712,000, Taxes \$8,508.40

Difference: **\$2,337.42**

Original assessment (2010) \$907,600, Taxes \$11,308.70

Revised assessment (2010) \$712,000, Taxes \$8,871.52

Difference: **\$2,437.18**

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey hereby authorize the Municipal Tax Collector to refund the taxes for the tax years 2009 & 2010, in the amount of **\$4,774.60**, to David R. Lage, 284 Glen Place, Franklin Lakes, New Jersey .

**Resolution 46-12     Award State Contract Copiers**

**WHEREAS**, the Borough of Franklin Lakes wishes to lease copiers for the Municipal Clerks Office, Planning Board Office and Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

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

**WHEREAS**, Ricoh Business Solutions, 19 Chapin Road Building C, Pine Brook, NJ 07058 has been awarded New Jersey State contract number T-2075, expiration date 6/30/12; and

**WHEREAS**, the Borough Clerk and Borough Administrator recommends the utilization of this contract on the grounds that represents the best price available; and

**WHEREAS**, the actual cost for the 48 month lease of 3 copiers is \$726.86 per month; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that 3 copiers be leased from Ricoh Business Solutions, 19 Chapin Road Building C, Pine Brook, NJ 07058.

**Resolution 47-12 Stipulation of Settlement – Gerber**

**WHEREAS**, Gary Gerber and Yvonne Gerber, filed real property tax appeals for the years **2010** [Docket No. 009776-10] and **2011** [Docket No. 002907-11]; and

**WHEREAS**, the real property assessment for the subject premises, located at 550 Hampton Hill Road (Block 1104, Lot 16) on the Tax Assessment Map of the Borough of Franklin Lakes for the years **2010** and **2011** are as follows:

<u>2010</u>		<u>2011</u>	
Land	\$1,022,000	Land	\$ 719,000
Improvements	\$1,633,600	Improvements	\$1,400,300
Total	\$2,655,600	Total	\$2,119,300

and;

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

<u>2010</u>		<u>2011</u>	
Land	\$1,022,000	Land	\$1,022,000
Improvements	\$1,303,000	Improvements	\$1,038,000
Total	\$2,325,000	Total	\$2,060,000

**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

**Resolution 48-12 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>
Mayor & Council S&W	\$3,600	
<b>To</b>		
Recreation Services & Programs OE		3,600
	\$3,600	\$3,600

**Resolution 49-12 Authorize Emergency Temporary Appropriations for CY 2012**

**WHEREAS**, the CY 2012 budget has not been adopted, and adequate provisions could not be made in the CY 2012 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

**WHEREAS, N.J.S.A. 40A:4-20** provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

**WHEREAS,** the total emergency temporary resolutions adopted in CY 2012 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$8,500.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

1. That emergency temporary appropriations be and the same are hereby made for:

Finance - OE	\$ 500.00
Hospitalization/Prescription	5,000.00
Insurance	1,000.00

2. That said emergency temporary appropriations be provided for in the CY 2012 adopted budget.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**Resolution 50-12 Interlocal Service Agreement Sanitary Sewer Cleaning**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for Sanitary Sewer Cleaning with the Northwest Bergen County Utilities Authority for the year 2012 after review and approval by the Borough Attorney.

**Resolution 51-12 Agreement – Nature Preserve Water Quality Management**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Franklin Lakes that a contract is awarded to Aquatic Analysis, Inc. P.O. Box 66 Middleville, NJ 07855 for the year 2012 Water Quality Monitoring and Algae Control at the Franklin Lakes Nature Preserve in accordance with their proposal dated December 29, 2011; and

**BE IT FURTHER RESOLVED,** that the Mayor and Clerk be authorized to sign this agreement.

**Resolution 52-12 Agreement – Bergen County Department of Health Services-Sanitarian**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Franklin Lakes that the 2012 contract agreement for Health Officer Coverage and Sanitarian Services with the Bergen County Department of Health Services as approved by the Franklin Lakes Board of Health be signed by the Mayor and Borough Clerk.

**Resolution 53-12 Agreement – Valley Hospital Nursing Services and Communicable Disease Management**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an agreement for the year 2012 as recommended by the Borough of Franklin Lakes Board of Health with the Valley Hospital for public health nursing \$3,067.47 and 2012 communicable disease management \$2,597.58 for a total contract cost of \$5,665.05.

**Resolution 54-12 Agreement – Tyco Animal Control**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Franklin Lakes that the 2012 animal control services contract agreement between the Borough of Franklin

Lakes and Tyco Animal Control Services in the amount of \$11,700.00 and \$60.00 for after hours calls be signed by the Mayor and Borough Clerk as approved by the Board of Health.

**Resolution 55-12 Agreement – West Bergen Mental Health**

**WHEREAS**, the Mayor and Council are desirous of contracting for Employee Assistance Program services; and

**WHEREAS**, West Bergen Mental Healthcare 120 Chestnut Street, Ridgewood, NJ 07450 has submitted a proposal dated January 4, 2012 for Employee Assistance Program services in the amount of \$6,000; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to sign an agreement with West Bergen Mental Healthcare 120 Chestnut Street, Ridgewood, NJ 07450 in the amount of \$6,000 for the year 2012.

**Resolution 56-12 Agreement – Waldwick Well Baby Clinic**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an interlocal agreement with the Borough of Waldwick pertaining to the provision of Well Child Care services by the Borough of Waldwick.

**BE IT FURTHER RESOLVED**, that the agreement adopted by the Borough of Waldwick shall remain in force and effective from the date of execution until December 31, 2012.

**Resolution 57-12 Professional Service Robert McNerney & Associates First Real Estate Investment Trust Tax Appeal**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of appraisal services for a appraisal report for the First Real Estate Investment Trust Block 1531, Lots 1 & 2 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 has agreed to provide appraisal services relative to the pending tax appeal of First Real Estate Investment Trust Block 1531, Lots 1 & 2 within the Borough of Franklin Lakes as the Borough Appraiser in accordance with his proposal dated February 2, 2012 for the amount of \$7,500.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 as described herein; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 58-12 Professional Service Agreement – Appraisal Services**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of appraisal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 has agreed to provide appraisal services relative to the pending tax appeals within the Borough of Franklin Lakes as the Borough Appraiser in accordance with an Agreement effective January 1, 2012, for rates as set forth in his agreement dated February 2, 2012; and

**WHEREAS**, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 59-12 Professional Service Agreement – Bond Counsel**

**WHEREAS**, the Borough of Franklin Lakes has a need to acquire Bond Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 through December 31, 2012; and

**WHEREAS**, Bernard S. Davis of Wolff Samson P.C. has submitted a proposal effective January 1, 2012 indicating he will provide Bond Counsel services for an amount as described in his agreement; and

**WHEREAS**, Bernard S. Davis of Wolff Samson P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Bernard S. Davis of Wolff Samson P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Bernard S. Davis of Wolff Samson P.C. from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Bernard S. Davis of Wolff Samson P.C., One Boland Drive, West Orange, NJ 07052, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 60-12 Professional Service Agreement – Borough Attorney**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Richard A. Lustgarten, Esq. of Goodman & Lustgarten has agreed to provide legal services as Borough Attorney in accordance with an Agreement effective January 1, 2012, for an annual fixed fee of \$70,000, and for a billing rate of \$135 per hour, as described in said Agreement; and,

**WHEREAS**, Richard A. Lustgarten, Esq. of Goodman & Lustgarten has completed and submitted a Business Entity Disclosure Certification which certifies that Richard A. Lustgarten, Esq. of Goodman & Lustgarten has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Richard A. Lustgarten, Esq. of Goodman & Lustgarten from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Richard A. Lustgarten, Esq. of Goodman & Lustgarten, 59 Main Street, Suite 203, West Orange, New Jersey, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 61-12 Professional Service Agreement – Borough Auditor**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has agreed to provide auditing services as the Borough Auditor in accordance with an Agreement effective January 1, 2012, for rates as set forth therein, including a fee of \$28,300 for the annual audit,

**WHEREAS**, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 62-12 Professional Service Agreement – Borough Engineer**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of Engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Kevin J. Boswell, PE of Boswell McClave Engineering has agreed to provide engineering services as the Borough Engineer in accordance with an Agreement effective January 1, 2012, for an annual retainer of \$28,222.00 plus hourly services ranging from \$60.00 to \$282.00 per hour as described in said Agreement; and,

**WHEREAS**, Kevin J. Boswell, PE of Boswell McClave Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Kevin J. Boswell, PE of Boswell McClave Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Kevin J. Boswell, PE of Boswell McClave Engineering from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Kevin J. Boswell, PE of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 63-12 Professional Service Agreement – COAH Counsel**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has agreed to provide legal services as the Borough's Affordable Housing Counsel in accordance with an Agreement effective January 1, 2012, for a billing rate of \$150 per hour, as described in said Agreement; and,

**WHEREAS**, Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has completed and submitted a Business Entity Disclosure Certification which certifies that Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Stuart R. Koenig Esq. of Stickel, Koenig & Sullivan, 571 Pompton Avenue, Cedar Grove, New Jersey, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 64-12 Professional Service Agreement – Grant Professionals**

**WHEREAS**, the Borough of Franklin Lakes has a need to acquire Grant Seeking Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is January 1, 2012 to December 31, 2012; and

**WHEREAS**, the firm of Capital Alternatives Corporation, Demarest House-618 River Road, New Milford, NJ 07646 has submitted a proposal effective January 1, 2012 indicating they will provide Grant Seeking services for an amount as described in their agreement; and

**WHEREAS**, the firm of Capital Alternatives Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Capital Alternatives Corporation has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit the firm of Capital Alternatives Corporation from making any reportable contributions through the term of the contract, and

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with the firm of Capital Alternatives Corporation, Demarest House-618 River Road, New Milford, NJ 07646 as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 65-12 Professional Service Agreement – Labor Attorney**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has agreed to provide legal services as the Borough's Labor Counsel in accordance with an Agreement effective January 1, 2012, for a billing rate of \$150 per hour, as described in said Agreement; and,

**WHEREAS**, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. from making any reportable contributions through the term of the contract; and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C., 675 Morris Avenue, Suite 100, Springfield, New Jersey, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 66-12 Professional Service Agreement – Professional Planning Services**

**WHEREAS**, the Borough of Franklin Lakes has a need to acquire a Professional Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 through December 31, 2012; and

**WHEREAS**, Elizabeth McManus of Clarke Caton Hintz has submitted a proposal effective January 1, 2012 indicating she will provide Professional Planning services for an amount as described in his agreement; and

**WHEREAS**, Elizabeth McManus of Clarke Caton Hintz has completed and submitted a Business Entity Disclosure Certification which certifies that Elizabeth McManus of Clarke Caton Hintz has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Elizabeth McManus of Clarke Caton Hintz from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Elizabeth McManus of Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08609, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 67-12 Professional Service Agreement – Risk Manager**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of Risk Manager services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Virginia Forde of PIA McCarthy Forde has agreed to provide services as the Borough's Risk Manager in accordance with an Agreement effective January 1, 2012, for a billing rate in an amount equal to six percent (6%) of the Municipality's annual assessment as promulgated by the Fund, as described in said Agreement; and,

**WHEREAS**, Virginia Forde of PIA McCarthy Forde has completed and submitted a Business Entity Disclosure Certification which certifies that Virginia Forde of PIA McCarthy Forde has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Virginia Forde of PIA McCarthy Forde from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Virginia Forde of PIA McCarthy Forde, 429 Hackensack St., P.O. Box 818, Carlstadt, New Jersey, 07072, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 68-12 Professional Service Agreement – Tax Appeal Counsel**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

**WHEREAS**, the anticipated term of this contract is from January 1, 2012 to December 31, 2012; and,

**WHEREAS**, Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has agreed to provide legal services as the Borough's Tax Appeal Counsel in accordance with an Agreement effective January 1, 2012, for a billing rate of \$125.00 per hour, as described in said Agreement; and,

**WHEREAS**, Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has completed and submitted a Business Entity Disclosure Certification which certifies that Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. 2200 Fletcher Avenue 9W Office Center, Fort Lee, NJ 07024, as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published as required by law within ten days of its passage.

**Resolution 69-12 Budget Self Examination**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

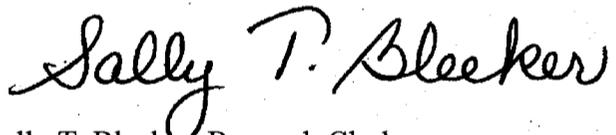
**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Franklin Lakes* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the *Borough of Franklin Lakes* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk