

MEETING OF THE MAYOR AND COUNCIL

August 21, 2012

7:30 P.M.

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

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Council President Kahwaty, Councilmember Kelly, Councilmember Lambrix, Councilmember Lota, Councilmember Pedone and Councilmember Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney William T. Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1552

**AN ORDINANCE SUPPLEMENTING THE CODE
OF THE BOROUGH OF FRANKLIN LAKES TO
ESTABLISH REGULATIONS FOR SOLAR ENERGY SYSTEMS**

Borough Administrator Hart reported that the Planning Board received some additional input and suggested revisions from a resident who has a solar energy installation and had some thoughts on the Ordinance itself. The Chairman brought those suggestions back to the Planning Board at last week's Planning Board meeting. The Planning Board decided to incorporate some of those minor changes to the Ordinance. The changes should not require re-introduction of the Ordinance but, the Council has not received those proposed amendments yet. It was decided to carry the adoption of Ordinance 1552 to the September 20th meeting.

Motion to carry Ordinance 1552 to September 20th was made by Councilmember Lambrix, seconded by Councilmember Pedone.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCE 1553

**AN ORDINANCE AMENDING CHAPTER 140 "ALARM SYSTEMS",
CHAPTER 220 "UNIFORM CONSTRUCTION CODES", CHAPTER 300
"LAND USE AND DEVELOPMENT", CHAPTER 425 "STREETS AND
SIDEWALKS", AND CHAPTER 495 "ZONING PERMITS" OF THE
CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE
CERTAIN FEES AND RELATED PROVISIONS**

Summary: This ordinance would implement a fee schedule for solar energy systems, amend existing ordinance provisions relating to fees for alarm systems, signs, fences and zoning

permits, fix a typographical error in the Schedule of Bulk and Area Regulations in the land use ordinance, and clarify permit requirements for driveways.

WHEREAS, an ordinance 1553 was introduced at a meeting of the Mayor and Council held on the 17th day of July, 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 1553 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 made by Councilmember Ramsey to take up Ordinance No. 1553 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

Motion to open the hearing to the public was made by Council President Kahwaty, seconded by Councilmember Lota. On voice vote, all in favor.

Mike Mazzeo, 313 Wyckoff Ave, Waldwick – Came forward asking what the fee schedule was for the solar panel installation. Mr. Mazzeo was given the Ordinance and directed to look at the solar installation section. He also asked how our fee schedule relates to other fee schedules in other towns. He felt that coupled with Ordinance 1552 this was adding time and money to the installation of solar panels. Mayor Bivona said that the fees are meant to defray the Borough's costs on inspections that are required to make sure the installation is proper. Borough Administrator Mr. Hart added that the fee schedule is recommended by the Construction Official after his review of fees charged by other towns. Mr. Mazzeo wanted to know if there was any additional fees in the permitting process. Mayor Bivona said that there are other fee schedules so if an electrical inspection would also need to be done those would apply. These fees on the Ordinance 1553 are specific to the solar systems. Mr. Mazzeo questioned specific fees. Mr. Hart said those questions would need to be asked directly to the Construction Official. Mr. Hart also said that the fee schedule for the solar panel installation could be amended in the future if the Mayor and Council choose to do so. Mr. Hart told Mr. Mazzeo that the Mayor and Council are not going to be able to answer specific questions on how and why certain fees are being charged. He would have to speak with the Construction Official.

Borough Attorney Smith also added that the Mayor and Council will not have the expertise to answer Mr. Mazzeo's specific questions regarding fees. They were advised by the Construction Official that these fees are reasonable for what is described. Mr. Mazzeo feels that some of them are unreasonable and has not been given the chance to speak to the Construction Official. Mr. Smith advised Mr. Mazzeo to speak with the Construction Official regarding the fee schedule and if he still feels the fees are unreasonable he can bring his concerns back to the Mayor and Council. If the Construction Official's recommendation is incorrect and Mr. Mazzeo can present evidence to that then the Council will consider amendments.

Mrs. Weitz, 512 Haddon Place came forward questioning the fees for signs. She wanted to know if they were in regards to real estate signs. Mr. Hart explained that the signs fees were not related to real estate signs, but to clarify the fees regarding new permanent signs.

Motion to close the hearing to the public was made by Councilmember Kelly, seconded by Council President Kahwaty. On voice vote, all in favor.

Resolution read and introduced by Council President Kahwaty, seconded by Councilmember Kelly. Discussion – Councilmember Lambrix asked if our Construction Official is proposing fees that are not in line with other towns. Mr. Hart said he does not have an analysis in front of him, but the Construction Office has stressed that there is a need for a fee schedule for solar installation. Mr. Hart does not have specific information. Mr. Lambrix said it would be simple to amend the fees and Mr. Hart agreed. Mr. Hart will follow-up with the Construction Official.

Roll Call Vote:

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

ORDINANCE 1554

**A BOND ORDINANCE AUTHORIZING REPAIR OR REPLACEMENT OF
FIREHOUSE ROOFS BY AND FOR THE BOROUGH OF FRANKLIN
LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY,
APPROPRIATING AN AGGREGATE AMOUNT OF \$220,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$209,000 IN
AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO
FINANCE PART OF THE COST THEREOF.**

Summary: This ordinance appropriates \$220,000 for the repair and replacement of roofs at the Bender Court and Southside firehouses.

WHEREAS, an ordinance 1554 was introduced at a meeting of the Mayor and Council held on the 17th day of July, 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 1554 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 made by Councilmember Ramsey to take up Ordinance No. 1554 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

Motion to open the hearing to the public was made by Council President Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

No one from the public came forward.

Motion to close the hearing to the public was made by Council President Kahwaty, seconded by Councilmember Lambrix. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kelly, seconded by Councilmember Ramsey. Discussion – none.

Roll Call Vote:

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

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilmember Ramsey, seconded by Council President Kahwaty. On voice vote, all in favor.

Danielle Weitz, 512 Haddon Place – came forward saying that her neighbor received a notice from Tyco Animal Control saying that she needed to register her pet but in the last 20 years she's lived there she never owned a pet. Mayor Bivona said that they will look into this. Mistakes will be sorted out. Mr. Hart advised that due to the census many unregistered pets were discovered and people are coming in to register them.

Motion to close the time for public comment was made by Councilmember Pedone, seconded by Councilmember Lambrix. On voice vote, all in favor.

CONSENT RESOLUTION 176-12

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 177-12	Accept Report of the Finance Committee
Resolution 178-12	Stipulation of Settlement – Jimenez
Resolution 179-12	Municipal Alliance Resolution
Resolution 180-12	Internal Affairs Policy
Resolution 181-12	Award Contract HVAC Maintenance Agreement
Resolution 182-12	Sustainable Land Use Pledge
Resolution 183-12	Payment in Lieu of Dental Insurance
Resolution 184-12	Release Performance Bond – FL Storage LLC
Resolution 185-12	Execute DOT Grant Agreement Summit Avenue
Resolution 186-12	Refund of Tax Overpayment – 210 Haven Road
Resolution 187-12	Authorize Mayor and Borough Clerk to sign Landscape License Agreement and Temporary Construction Easement Agreement for Wyandotte Water Treatment facility
Resolution 188-12	Award Contract Football Uniforms
Resolution 189-12	Award Contract DPW Truck Cab and Chassie 85,000 miles or less
Resolution 190-12	Award Contract DPW Truck Cab and Chassie 100,000 miles or less
Resolution 191-12	Capital Budget Amendment

Resolution read and introduced by Council President Kahwaty, seconded by Councilmember Pedone.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent:

Motion Approved.

RESOLUTION

Resolution 192-12

Stipulation of Settlement – Guzman

WHEREAS, an appeal of the tax assessment has been filed for the following property; and

WHEREAS, the Borough conducted a revaluation of all properties for the year 2011, and said revaluation indicated that the fair market value of the property in question for the year 2011 was \$1,409,000, demonstrating that the assessed value of the property for the year 2010, \$1,820,100, is higher than the actual fair market value; and

WHEREAS, an adjustment in the assessed value of the property has been recommended by the tax assessor of the Borough of Franklin Lakes based on the information obtained in the revaluation, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by the revaluation and by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the assessor is hereby directed to adjust the assessment for the properties as shown:

Block: 1107
Lot: 11
Street Address: 381 Freemans Lane
Owner: Carlos and Indira Guzman

Tax Year: 2010

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 772,800.00	\$ 772,800.00
Improvements	\$1,047,300.00	\$ 802,200.00
Total	\$1,820,100.00	\$1,575,000.00

IT IS FURTHER approved that the borough attorney is hereby authorized to execute the Stipulation of Settlement attached hereto.

Resolution read and introduced by Council President Kahwaty, seconded by Councilmember Lambrix. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent:

Motion Approved.

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Pedone and seconded by Councilmember Kelly:

- July 3, 2012 Worksession
- July 3, 2012 Closed
- July 10, 2012 Closed
- July 17, 2012 Regular
- July 17, 2012 Closed

Roll Call Vote:

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

Nays:

Abstain: Lota – July 17, 2012 Regular and Closed; Ramsey – July 17, 2012 Regular and Closed

Absent:

Motion Approved.

OLD BUSINESS

No Old Business to discuss at this time.

NEW BUSINESS

Councilmember Lota reported that the Police Chief advised her that the Police Department needs to purchase new carbine rifles. The cost will be approximately \$15,000. Mr. Hart advised that a Capital Ordinance would need to be introduced at the Worksession of September 9, 2012.

Mr. Hart said several police officers will be recognized at the September 20, 2012 meeting.

INTRODUCTION OF ORDINANCES ON FIRST READING

Motion to take up consideration of Ordinances Nos. 1555 and 1556 for Introduction, and direct the Clerk to read each by title was made by Councilmember Lambrix, seconded by Council President Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1555

BOROUGH OF FRANKLIN LAKES

A MULTI-PURPOSE ORDINANCE AUTHORIZING AND PROVIDING FOR GRANT PROFESSIONAL FEES FOR MCCOY ROAD PROJECT, ENGINEERING FEES FOR SEWER PROJECT, AND CONSTRUCTION AND ENGINEERING FEES FOR NATURE PRESERVE BRIDGE AND TRAIL PROJECTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY

ORDINANCE 1556

AN ORDINANCE AMENDING SECTION 300-124 B (7) OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED "BUFFER AND PLANTING REQUIREMENTS; TREE REMOVAL", TO AMEND THE SURETY BOND REQUIREMENTS

IT IS HEREBY RESOLVED, that Ordinances 1555 and 1556 are hereby introduced upon first reading; and

BE IT FURTHER RESOLVED that said Ordinance Nos. 1555 and 1556 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of September 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 Nos. 1555 and 1556; and,

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

Resolution read and introduced by Council President Kahwaty, seconded by Councilmember Pedone. Discussion - Councilmember Ramsey suggested separating some of the Ordinances next time since she is in favor of one, but not parts of another. Conversation ensued regarding paving McCoy Road and the construction projects that may be coming in the future and if the timing was correct.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent:

Motion Approved.

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, August 21, 2012 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Litigation – T-Mobile
- Contractual – NWBCUA
- Contractual – Golf Course Property

BE IT FURTHER RESOLVED, that the discussion conducted in closed session shall be disclosed to the public once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion to go into Closed Session was made by Councilmember Kelly, seconded by Councilmember Ramsey.

The meeting reopened at 9:08 PM and the following motion was made:

Councilmember Pedone made a motion to recommend that the Zoning Board of Adjustment appeal the T-Mobile tower decision, seconded by Councilmember Kelly.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent:

Motion Approved.

ADJOURNMENT

Motion to adjourn the meeting at 9:10 pm was made by Councilmember Pedone, seconded by Councilmember Lambrix. On voice vote, all in favor.

Resolution 177-12 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 \$377,266.15 as shown on the Claims Bill List and \$1,160.75 as shown on the Soil Account Bill List.

Resolution 178-12 Stipulation of Settlement – Jimenez

WHEREAS, an appeal of the tax assessment has been filed for the following properties; and

WHEREAS, the Borough conducted a revaluation of all properties for the year 2011, and said revaluation indicated that the fair market value of the subject properties was substantially less than the assessed value; and

WHEREAS, the information obtained as part of the revaluation indicates that the assessed value for the year 2010 was higher than the fair market value; and

WHEREAS, an adjustment in the assessed value of the properties has been recommended by the tax assessor of the Borough of Franklin Lakes based on the information obtained in the revaluation, and it is believed that this adjustment will cause the assessment to reflect the actual

fair market value of said properties as reflected by the revaluation and by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the assessor is hereby directed to adjust the assessment for the properties as shown:

Block: 1206
Lot: 16
Street Address: 237 Hidden Pond Path
Owner: Ana L. Jimenez

Tax Year: 2010

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 610,300	\$ 610,300
Improvements	\$1,582,900	\$1,332,900
Total	\$2,193,200	\$1,943,200

Block 2406
Lot: 5
Street Address: 235 Hidden Glen Court
Owner: John Jimenez

Tax Year: 2010

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 546,300	\$ 546,300
Improvements	\$ 808,700	\$ 653,700
Total	\$1,355,000	\$1,200,000

IT IS FURTHER approved that the borough attorney is hereby authorized to execute the Stipulation of Settlement attached hereto.

Resolution 179-12 Municipal Alliance Resolution

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

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Mayor and Council have applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

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

1. The Mayor and Council do hereby authorize submission of an application for the Franklin Lakes Municipal Alliance grant for calendar year 2013 in the amount of \$9,876.00.
2. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 180-12 Internal Affairs Policy

WHEREAS, Police Chief Joseph Seltenrich prepared an Internal Affairs Policy and Procedures document and has recommended that the Mayor and Council review and approve the policy;

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 Franklin Lakes Police Department Internal Affairs Policy and Procedures dated August 20, 2012 be and is hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Police Chief Joseph Seltenrich.

Resolution 181-12 Award Contract HVAC Maintenance Agreement

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that:

WHEREAS, the Borough of Franklin Lakes received four (4) proposals for a two (2) year HVAC Maintenance contract/option for two renewal periods; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that:

1. Whalen & Ives, 180 Kinderkamack Road Park Ridge, NJ 07656 is hereby awarded a contract in the amount of \$3,800.00 for annual maintenance (four times per year) and \$100.00 per hour for additional repairs, as set forth in the July 10, 2012 proposal.
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 182-12 Sustainable Land Use Pledge

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, inappropriate land-use decisions may lead to loss of established open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, assist in meeting the needs of recreation space and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey's tradition of home rule and local authority over planning and zoning, subject to the Municipal Land Use Law, achieving a statewide sustainable land use pattern will, of necessity, involve the state's municipalities.

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 following steps with regard to our municipal land-use decisions will be pursued with the intent of making the Borough of Franklin Lakes a truly sustainable community. It is our intent to include these principles where feasible in the next master plan revision or re-examination report, and to pursue such principles in our land-use zoning, natural resource protection, and other ordinances where feasible and consistent with the values of the borough.

Regional Cooperation – We pledge to continue to reach out to the administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions where permitted by the Municipal Land Use Law.

Transportation Choices – We will continue to evaluate our parking with the goal of ensuring adequate parking spaces while promoting shared parking and other innovation parking alternatives and encouraging parking alternatives where appropriate.

Natural Resource Protection – We pledge to take all feasible steps to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. We will try to update our Natural Resources Inventory when feasible and to assess the extent of our natural resources and to link natural resource management and protection to land-use and open space planning.

Mix of Land Uses – We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that we determine make the most sense for our municipality and the region.

Housing Options – We pledge, through the use of our zoning powers, to consider a mix of housing types and locations, for-sale and rental options that we believe represent the character of the borough of Franklin Lakes.

Green Design – We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible, and, when updating our site plans and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting – We pledge to the extent that it is feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types and proximity to open space when locating new or relocated municipal facilities.

Waste Reduction and Recycling – We pledge to continue the borough's work to increase the amount of collected recycled material and to educate the borough's residents regarding the need and value of reducing waste by recycling.

Resolution 183-12 Payment in Lieu of Dental Insurance

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's Personnel Policies and Procedures Manual and the Employee Handbook be and are hereby amended as follows:

- 1) To comply with the provisions of New Jersey law (N.J.S.A. 52:14-17.31a), the last paragraph of paragraph 44 "Health Insurance Policy" is amended to read as follows:

Borough employees that are entitled to health insurance may opt to decline health insurance and receive monthly payments in lieu of health insurance. The payments shall be in the amount of 25% of the premium that the Borough is paying or would pay for the employee's health insurance. Payments would be made on a schedule to be determined by the Borough. To be eligible, the employee must submit a written request to the Borough Administrator on a form provided by the Borough Administrator and provide proof of other group insurance coverage. This proof of coverage must be an official document verifying that the employee is insured under a group health insurance plan. A copy of an insurance identification card is not sufficient. Employees will not be permitted to re-enroll for health insurance coverage until either the "open enrollment" period for health insurance or a qualifying event as set forth in the Borough's Section 125 plan.

- 2) Paragraph 45 "Dental Benefits Policy" is hereby supplemented by the addition of the following:

Borough employees that are entitled to dental insurance may opt to decline dental insurance and receive monthly payments in lieu of dental insurance. The payments shall be in the amount of 25% of the premium that the Borough is paying or would pay for the employee's dental insurance. Payments would be made on a schedule to be determined by the Borough. To be

eligible, the employee must submit a written request to the Borough Administrator on a form provided by the Borough Administrator. Employees will not be permitted to re-enroll for dental insurance coverage until either the "open enrollment" period for dental insurance or a qualifying event as set forth in the Borough's Section 125 plan.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to every employee.

Resolution 184-12 Release Performance Bond – FL Storage LLC

WHEREAS, FL Storage LLC Block 1404, Lot 11.07 in the Borough of Franklin Lakes has requested the release of Performance Bond No. (Letter of Credit) #095192080006 in the amount of \$1,000.00 posted for outstanding improvements at the time of the Certificate of Occupancy inspection, and

WHEREAS, the Borough Engineer has made the required inspections, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that Performance Bond #095192080006 in the amount of \$1,000 posted for Block 1404, Lot 11.07 be released on the recommendation of the Borough Engineer.

Resolution 185-12 Execute DOT Grant Agreement Summit Avenue

WHEREAS, the Franklin Lakes Borough is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Franklin Lakes Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Franklin Lakes Borough-00024 to the New Jersey Department of Transportation on behalf of the Franklin Lakes Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Franklin Lakes Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 186-12 Refund of Tax Overpayment – 210 Haven Road

WHEREAS, the Municipal Tax Assessor has recommended a reduction in the assessed value for Block 1311, Lot 4, in the tax years 2011 and 2012, because the property was inadvertently assessed for improvements that had not been done by the property owner; and,

WHEREAS, the assessment change and resultant tax overpayment is as follows:

Tax Year	Assessed Value (Tax List)	Assessed Value (corrected)	Assessed Value Difference	Tax Rate	Overpayment
2011	\$1,109,200	\$606,300	\$502,900	1.530	\$7,694.37
2012	\$1,109,200	\$606,300	\$502,900	1.533	\$7,709.46

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 Collector is hereby authorized and directed to refund the taxes for the tax years 2011 and 2012, in the amount of \$15,403.83, to the property owner of Block 1311, Lot 4, Machhour Emachah, in two installments: \$13,476.46 to be paid as soon as feasible, and \$1,927.36 upon receipt by the Tax Collector of payment of fourth quarter 2012 taxes; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Machhour Emachah, the Tax Collector, and the Tax Assessor.

Resolution 187-12 Authorize Mayor and Borough Clerk to sign Landscape License Agreement and Temporary Construction Easement Agreement for Wyandotte Water Treatment facility

WHEREAS, United Water New Jersey, Inc. has requested permission to upgrade and improve the existing Wyandotte water treatment facility located on Wyandotte Road in Franklin Lakes; and

WHEREAS, the Planning Board has approved a Landscape License Agreement, attached hereto as **Exhibit A**, and a Temporary Construction Easement, Agreement, attached hereto as **Exhibit B**; and

WHEREAS, said Agreements have been approved by the Borough Attorney and the Borough Engineer; and therefore it is hereby

RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the attached Landscape License Agreement and the Temporary Construction Easement Agreement are hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Resolution 188-12 Award Contract Football Uniforms

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for football uniforms; 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. Martin Sales Inc, 18 Lamy Drive, Unit 4, Goffstown, NJ 03045 is hereby awarded a contract in the amount of \$6,976.20
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 189-12 Award Contract DPW Truck Cab and Chassie 85,000 miles or less

WHEREAS, the Borough of Franklin Lakes received one (1) bid for used truck cab and chassis - 2005 or newer (85,000 miles or less)

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. Coast Cities Equipment Sales Inc, 1201 Hwy #35 S, Neptune, NJ 07753 is hereby awarded a contract in the amount of \$33,400 .00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

Resolution 190-12 Award Contract DPW Truck Cab and Chassie 100,000 miles or less

WHEREAS, the Borough of Franklin Lakes received one (1) bid for used truck cab and chassis - 2005 or newer (100,000 miles or less)

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:

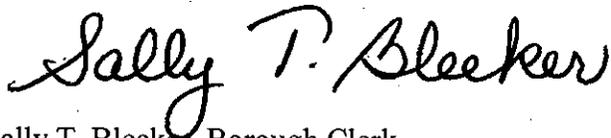
1. Coast Cities Equipment Sales Inc, 1201 Hwy #35 S, Neptune, NJ 07753 is hereby awarded a contract in the amount of \$30,985.00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

Resolution 191-12 Capital Budget Amendment

- See Attached -

Respectfully submitted,



Sally T. Bleeker, Borough Clerk

6 YEAR CAPITAL PROGRAM 2012-2017

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds		7 BONDS AND NOTES			
		Current 2012	Future Years			General	Liquidating	Self Assessment	School		
None											
TOTAL ALL PROJECTS											

TO
CAPITAL BUDGET (Current Year Action)
2012

1 PROJECT	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2012 Budget Appro- priations	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012					
					5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	6 To Be Funded in Future Years	
		\$ 14,650				\$ 14,650				
Grant fee for NIDOT Grant										
Engineering Fees for regulatory permits at the Franklin Lakes Nature Preserve		24,300				24,300				
Engineering Fees for sewer study & design Construction of two bridges at Franklin Lakes Nature Preserve		60,000				60,000				
		75,000				75,000				
TOTALS ALL PROJECTS		\$ 173,950				\$ 173,950			\$ -	

Be It Further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 21th day of August, 2012

Certified by me

ATTEST:

APPROVED:

(DATE)

BOROUGH CLERK

MAYOR

TRENTON, NEW JERSEY
APPROVED _____, 2012

DIRECTOR OF LOCAL GOVERNMENT SERVICES