

**MEETING OF THE MAYOR AND COUNCIL
JANUARY 15, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, January 15, 2013 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Councilmember Kahwaty, Councilmember Kelly, Councilmember Lambrix, Council President 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

HONOR SENATOR KEVIN J. O'TOOLE

Senator O'Toole was unable to attend tonight's meeting. He will be here at the next Mayor and Council meeting scheduled for February 5, 2013.

APPOINTMENTS

Sebastian P. Rollo – Franklin Lakes Volunteer Fire Department

At this time, Mayor Bivona swore in Sebastian P. Rollo into the Franklin Lakes Volunteer Fire Department.

Recreation Committee appointments

- Jason Robinson
- Dina Robinson
- Mike Bedrin
- Tom Perneti

Motion made by Councilmember Kahwaty to appoint the above-named individuals to the Recreation Committee all for 3 year terms. Motion was seconded by Councilmember Pedone.

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 Lambrix, seconded by Councilmember Kahwaty. On voice vote, all in favor.

No one from the public came forward.

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

CONSENT RESOLUTION 26-13

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 27-13 Accept Report of the Finance Committee
- Resolution 28-13 Opposing Health Plan Resolution
- Resolution 29-13 Field Use - Lions Club Carnival
- Resolution 30-13 Shared Services with Village of Ridgewood – Municipal Court Teleconferencing
- Resolution 31-13 Support Payment of Energy Taxes to Municipal Governments
- Resolution 32-13 Award Contract – Fire Department Turnout Gear
- Resolution 33-13 Award Contract – Fire Department Hoses
- Resolution 34-13 Award Contract – 10-75 Emergency Lighting
- Resolution 35-13 Change Order #2 – 2012 Road Program
- Resolution 36-13 Change Order – Fire House Roof
- Resolution 37-13 Emergency Temporary Appropriations – CY 2013
- Resolution 38-13 Professional Service Agreement – Appraisal Services
- Resolution 39-13 Professional Service Agreement – Bond Counsel
- Resolution 40-13 Professional Service Agreement – Borough Attorney
- Resolution 41-13 Professional Service Agreement – Borough Auditor
- Resolution 42-13 Professional Service Agreement – Borough Engineer
- Resolution 43-13 Professional Service Agreement – COAH Counsel
- Resolution 44-13 Professional Service Agreement – Grant Professionals
- Resolution 45-13 Professional Service Agreement – Labor Attorney
- Resolution 46-13 Professional Service Agreement – Professional Planning Services
- Resolution 47-13 Professional Service Agreement – Risk Manager
- Resolution 48-13 Professional Service Agreement – Tax Appeal Counsel

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly.

Roll Call Vote:

- Ayes: Kahwaty (with 1 exception), Kelly, Lambrix, Lota, Pedone, Ramsey
- Nays:
- Abstain: Kahwaty – Resolution 29-13
- Absent:
- Motion Approved.

RESOLUTIONS

Resolution 49-13

Appointing the Borough’s Fund Commissioner and Alternate Fund Commissioner to the Bergen Municipal Employee Benefits Fund

WHEREAS, the Borough is a member of the Bergen Municipal Employee Benefits Fund (hereinafter the BMED) for medical coverage associated with the Employee Health Benefits Program; and

WHEREAS, in accordance with the by-laws and requirements of membership in the BMED, the Borough must appoint a Fund Commissioner and Alternate Fund Commissioner to represent the Borough in all pertinent Fund affairs.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Gregory Hart is hereby appointed as

Fund Commissioner for Fund Year 2013 and/or until a successor has been qualified and appointed; and

BE IT FURTHER RESOLVED, that Mayor Frank Bivona is hereby appointed to serve as the Alternate Fund Commissioner for Fund Year 2013 and/or until a successor has been qualified and appointed, and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Fund through the Borough's Risk Management Consultant, PIA McCarthy Forde, 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072.

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

Roll Call Vote:

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

Resolution 50-13

Appointing the Borough's Fund Commissioner and Alternate Fund Commissioner to the Bergen County Municipal Joint Insurance Fund

WHEREAS, the Borough is a member of the Bergen County Municipal Joint Insurance Fund (hereinafter the FUND) for its property and casualty coverages; and

WHEREAS, in accordance with the by-laws and requirements of membership in the Fund, the Borough must appoint a Fund Commissioner and Alternate Fund Commissioner to represent the Borough in all pertinent Fund affairs.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that G. Thomas Donch is hereby appointed as Fund Commissioner for Fund Year 2013 and/or until a successor has been qualified and appointed; and

BE IT FURTHER RESOLVED, that Gregory Hart is hereby appointed to serve as the Alternate Fund Commissioner for Fund Year 2013 and/or until a successor has been qualified and appointed, and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Fund through the Borough's Risk Management Consultant, PIA McCarthy Forde, 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072.

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

Roll Call Vote:

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

At this time, Frank Covelli, the Borough's Risk Management Consultant, PIA McCarthy Forde came forward. He explained the additional coverage options for Public Officials Liability and Employment Practices Liability coverage. Mr. Covelli recommended that the Borough pay the additional coverage. Borough Attorney Smith agreed with Mr. Covelli.

Resolution 51-13

Authorizing Action On The Pol/Epl Premium Options Offered Through Xl Insurance Company And The Joint Insurance Fund (JIF)

WHEREAS, the Borough of Franklin Lakes (hereinafter, the Borough) is a member of the Bergen County Municipal Joint Insurance Fund (hereinafter, the JIF) for all Property and Casualty coverages (including but not limited to Property, General Liability, Inland Marine and Workers Compensation) and more specifically, Public Officials Liability and Employment Practices Liability (hereinafter, POL/EPL) coverage; and

WHEREAS, the POL/EPL coverage is provided by XL Insurance Company, through a separate insurance contract held by the JIF on behalf of its member municipalities; and

WHEREAS, the 2013 renewal program offered by XL Insurance Company allows for various options to change both deductibles and co-insurance, at an additional premium; and

WHEREAS, the Municipal Risk Management Consultant (hereinafter, the RMC) has performed due diligence in reviewing the options and provided a recommendation for consideration during a recent public meeting of the Governing Body; and

WHEREAS, the Governing Body, after reviewing and discussing the options presented and recognizing the timeframe for action does hereby agree to take action.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, the Borough Administrator and RMC are hereby authorized and directed to effectuate the following option:

\$20,000 Deductible with a 20% Co-Insurance of the 1st \$100,000. of claim

As stated in the Memorandum issued by the JIF Underwriting Manager and made a part of this Resolution, for a **January 1, 2013** effective date; and

BE IT FURTHER RESOLVED, the Borough Administrator is hereby authorized to execute the applicable document(s) to effectuate this coverage option; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. 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 Kelly and seconded by Council President Lota:

- December 4, 2012 Worksession
- December 18, 2012 Regular Meeting
- December 18, 2012 Closed Session
- December 19, 2012 Budget Meeting

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone (with exceptions), Ramsey
Nays:
Abstain: Pedone – December 18, 2012 Regular Meeting; December 18, 2012 Closed Session; December 19, 2012 Budget Meeting
Absent:
Motion Approved.

OLD BUSINESS

There was no Old Business to discuss at this time.

NEW BUSINESS

Council President Lota inquired about Ambulance Corp signs that used to be posted at the Market Basket which are missing now. If they are found she asked if they can be put back up. Borough Attorney Smith said that they could.

INTRODUCTION OF ORDINANCES ON FIRST READING

Motion to take up consideration of Ordinances Nos. 1560 and 1561 for Introduction, and direct the Clerk to read each by title was made by Councilmember Kahwaty, seconded by Councilmember Ramsey. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

Ordinance 1560

AN ORDINANCE INCORPORATING RULES AND REGULATIONS APPLICABLE TO THE MUNICIPAL SEWER SYSTEM IN CHAPTER 390, ARTICLE I OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES

Summary: Establishes comprehensive rules and regulations for sanitary sewers including requirements for accessing and charging property owners for the use of the sewers.

Ordinance 1561

AN ORDINANCE AMENDING CHAPTER 107 "RECREATION AND PARKS DEPARTMENT" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO SUPPLEMENT AND CLARIFY CERTAIN PROVISIONS

Summary: Amends and supplements certain provisions pertaining to the Recreation Code of Conduct including the addition of provisions on bullying, harassment and aggressive physical contact, as well as amendments to processes for enforcing the Code of Conduct.

WHEREAS, Ordinances 1560 and 1561 were introduced at a meeting of the Mayor and Council held on the 15th day of January, 2013;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinances 1560 and 1561 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinances 1560 and 1561 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of February 2013 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 Ordinances 1560 and 1561; 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 read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. Discussion – Councilmember Ramsey asked if the delinquent escrow fund for the NWBCUA had been replenished. Mr. Hart said they had.

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, January 15, 2013 which begins at 7:30 PM, in the Council Chamber Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Pending Litigation – Weitz Appeal
- Anticipated Litigation and Attorney-Client Privilege – Commorata Re-Zoning

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 Council President Lota, seconded by Councilmember Kelly. On voice vote, all in favor.

Upon returning from Closed Session, Mayor Bivona asked for a motion to appoint DiMaria & DiMaria to represent the Borough regarding the Weitz appeal. Motion was made by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made at 10:40 PM by Councilmember Kahwaty, seconded by Councilmember Ramsey. On voice vote, all in favor.

Resolution 27-13 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 \$424,887.26 as shown on the Claims Bill List; \$6,924.75 as shown on the Soil Account Bill List and \$5,202.50 as shown on the Developers Escrow List.

Resolution 28-13 Opposition to the Proposed Approval Process for Non-SHBP Health Insurance Plans

WHEREAS, the New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities

and school boards perform a statistic comparison of health insurance costs to State Health Benefit Program costs; and,

WHEREAS, these rules are in conflict with Section 42.c of Chapter 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

WHEREAS, the regulations, as proposed, extend this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and,

WHEREAS, this interpretation that the proposed regulations are contrary to the enabling statute is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added):

The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate.

; and,

WHEREAS, the proposed regulations are cumbersome and place a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing to obtain health benefits outside the SHBP or SEHBP; and

WHEREAS, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

WHEREAS, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

WHEREAS, if the regulations cause a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

WHEREAS, this will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

WHEREAS, the regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.;

and

WHEREAS, most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

WHEREAS, the regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

WHEREAS, the regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

WHEREAS, in situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

WHEREAS, the comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

WHEREAS, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

WHEREAS, the regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest "shared services" effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a "big government" mentality and are hostile to both "shared services" and "home rule" concepts.
- If the regulation seeks to encourage "due diligence", then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

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, for the foregoing reasons, we respectfully request that the proposed regulations be modified to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF; and
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Christie, the New Jersey Local Finance Board, the New Jersey Department of Education, local legislative representatives, the Bergen Municipal Employee Benefits Fund, and the Borough's Risk

Manager.

Resolution 29-13 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 8 to July 14, 2013; 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 8 to July 14, 2013, 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 30-13 Shared Services with Village of Ridgewood – Municipal Court Teleconferencing

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 a Shared Services Agreement for the year 2013 with the Village of Ridgewood to provide Municipal Court Teleconferencing Equipment and Services for the purpose of Arraigning Prisoners, after review and approval by the Borough Attorney.

Resolution 31-13 Support Payment of Energy Taxes to Municipal Governments

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

WHEREAS, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that we enthusiastically support and urge our State Legislators to pass A-2753/S-1923; and be it finally

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator Kevin J. O'Toole, our Assemblymen Scott Rumana and David C. Russo, and to the New Jersey League of Municipalities.

Resolution 32-13 Award Contract – Fire Department Turnout Gear

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for Fire Department Turnout Gear; 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. AAA Emergency Supply, 635 North Broadway, White Plains, NY 10603 is hereby awarded a contract in the amount of \$11,990.00
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 33-13 Award Contract – Fire Department Hoses

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for Fire Department Hose; 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. MES – New York, 66 Firemens Way, Poughkeepsie, NY 12603 is hereby awarded a contract in the amount of \$14,882.04
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 34-13 Award Contract – 10-75 Emergency Lighting

WHEREAS, the Superintendent of the Road Department received three proposals for sound off signal lights and golight wireless spotlights; and

WHEREAS, the Mayor and Council wish to award this contract to the contractor that submitted the lowest proposal; and

WHEREAS, by resolution adopted on January 18, 2011, the Mayor and Council established a policy which requires that, "where the purchases of goods or services total less than \$10,000 from an entity in which a Borough employee has an interest during any calendar year, the Borough's purchasing agent or administrator must provide to the governing body and certify in writing that at least three proposals have been obtained"; and,

WHEREAS, the Borough Administrator has provided a certification that at least three proposals have been obtained;

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

1. The 10-75 Emergency Lighting, LLC 51 Executive Parkway Building 1, Ringwood, NJ 07456 is hereby awarded a contract in the amount of \$2,607.28
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 35-13 Change Order #2 – 2012 Road Program

WHEREAS, by Resolution adopted on May15, 2012, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$334,000.57 to D&L Paving Contractors, 681 Franklin Avenue, Nutley, New Jersey, hereinafter referred to as "the Contractor", for the Borough's 2012 Road Program; and,

WHEREAS, by resolution adopted on October 16, 2012, the Mayor and Council approved Change Order #1, which increased the amount of the contract by \$62,628.00 for an amended contract amount of \$396,628.57;

WHEREAS, the Borough Engineer has submitted Change Order #2, which decreases the amount of the contract by \$2,133.35 for an amended contract amount of \$394,495.22, which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #2 is hereby authorized and approved for the 2012 Road Program, for a contract decrease of \$2,133.35, for a revised contract amount of \$394,495.22; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to D&L Paving Contractors, Boswell Engineering, and the Chief Financial Officer.

Resolution 36-13 Change Order – Fire House Roof

WHEREAS, by Resolution adopted on September 4, 2012, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$174,000 to Clifton & Clark, Inc., P.O. Box 1523, Clifton, New Jersey 07015, hereinafter referred to as "the Contractor", for the Firehouse Roof Replacements project; and,

WHEREAS, the Contractor has submitted Change Order #1, which increases the amount of the contract by \$3,195 for an amended contract amount of \$177,195, which Change Order has been approved by the Borough Architect; and,

NOW THEREFORE, BE IT RESOLVED that Change Order #1 is hereby authorized and approved for the the Firehouse Roof Replacements project, for an increase of \$3,195, for a revised contract amount of \$177,195; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to Clifton & Clark, Inc., the Borough Architect, and the Chief Financial Officer.

Resolution 37-13 Emergency Temporary Appropriations – CY 2013

WHEREAS, the CY 2013 budget has not been adopted, and adequate provisions could not be made in the CY 2013 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 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$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:

Collection of Taxes - OE \$500.00

2. That said emergency temporary appropriations be provided for in the CY 2013 adopted budget.

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

Resolution 38-13 Professional Service Agreement – Appraisal Services

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **Borough Appraiser** for the year 2013 to serve as **Borough Appraiser**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **McNerney & Associates Inc.** possess the requisite expertise and skilled personnel required to provide professional **Borough Appraiser** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **McNerney & Associates Inc.** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **McNerney & Associates Inc.** to serve as **Borough Appraiser**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **McNerney & Associates Inc.** for the provision of professional appraiser is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **Appraisal firm** be and is hereby appointed as **Borough Appraiser** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Appraiser** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 39-13 Professional Service Agreement – Bond Counsel

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **Bond Counsel** for the year **2013** to serve as **Borough Bond Counsel**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Wolff & Samson PC** possess the requisite expertise and skilled personnel required to provide professional **bond counsel** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Wolff & Samson PC** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Wolff & Samson PC** to serve as **Borough Bond Counsel**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Wolff & Samson PC** for the provision of professional **bond counsel** services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **bond counsel firm** be and is hereby appointed as **Borough Bond Counsel** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Bond Counsel** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 40-13 Professional Service Agreement – Borough Attorney

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of an attorney for the year **2013** to serve as **Borough Attorney**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of Hook Smith and Meyer possess the requisite expertise and skilled personnel required to provide professional legal services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of Hook Smith and Meyer legal services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of Hook Smith and Meyer to serve as Borough Attorney, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to Hook Smith and Meyer for the provision of professional legal services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said attorney be and is hereby appointed as **Borough Attorney** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their

proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 41-13 Professional Service Agreement – Borough Auditor

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of an **auditor** for the year **2013** to serve as **Borough Auditor**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Lerch, Vinci & Higgins, LLP** possess the requisite expertise and skilled personnel required to provide professional **auditing** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Lerch, Vinci & Higgins, LLP** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Lerch, Vinci & Higgins, LLP** to serve as **Borough Auditor**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Lerch, Vinci & Higgins, LLP** for the provision of professional **auditing** services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **auditing firm** be and is hereby appointed as **Borough Auditor** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Auditor** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 42-13 Professional Service Agreement – Borough Engineer

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of an engineer for the year **2013** to serve as **Borough Engineer**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Boswell McClave Engineering** possess the requisite expertise and skilled personnel required to provide professional **engineering** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Boswell McClave Engineering** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Boswell McClave Engineering** to serve as **Borough Engineer**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Boswell McClave Engineering** for the provision of professional **engineering** services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **engineering firm** be and is hereby appointed as **Borough Engineer** for the year **2013** pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Engineer** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 43-13 Professional Service Agreement – COAH Counsel

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **COAH Counsel** for the year **2013** to serve as **Borough COAH Counsel**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Jeffrey R. Surenian & Associates LLC** possess the requisite expertise and skilled personnel required to provide professional **COAH Counsel** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Jeffrey R. Surenian & Associates LLC** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Jeffrey R. Surenian & Associates LLC** to serve as **COAH Counsel**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Jeffrey R. Surenian & Associates LLC** for the provision of **COAH Counsel** is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **COAH Counsel** be and is hereby appointed as **Borough COAH Counsel** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough COAH Counsel** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJS 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 44-13 Professional Service Agreement – Grant Professionals

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of a Grant Professional for the year **2013** to serve as **Borough Grant Professional**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of Capital Alternatives Corporation possess the requisite expertise and skilled personnel required to provide professional Planning services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of Capital Alternatives Corporation services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of Capital Alternatives Corporation to serve as **Borough Grant Professionals**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to Capital Alternatives Corporation for the provision of professional planning services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said Grant Professionals firm be and is hereby appointed as **Borough Grant Professionals** for the year 2013 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Grant Professionals** for the year 2013 shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 45-13 Professional Service Agreement – Labor Attorney

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **Labor Attorney** for the year 2013 to serve as **Borough Labor Attorney**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Ruderman & Glickman, PC** possess the requisite expertise and skilled personnel required to provide professional **Labor Attorney** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Ruderman & Glickman, PC** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Ruderman & Glickman, PC** to serve as **Borough Labor Attorney**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Ruderman & Glickman, PC** for the provision of professional **labor attorney** is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **Labor Attorney firm** be and is hereby appointed as **Borough Labor Attorney** for the year 2013 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Labor Attorney** for the year 2013 shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 46-13 Professional Service Agreement – Professional Planning Services

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of a Professional Planner for the year 2013 to serve as **Borough Planner**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Clarke Caton Hintz** possess the requisite expertise and skilled personnel required to provide professional Planning services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Clarke Caton Hintz** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Clarke Caton Hintz** to serve as **Borough Planner**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Clarke Caton Hintz** for the provision of professional planning services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said planning firm be and is hereby appointed as **Borough Planner** for the year **2013** pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Planner** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 47-13 Professional Service Agreement – Risk Manager

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **Risk Management Consultants** for the year **2013** to serve as **Borough Risk Managers**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **PIA McCarthy Forde** possess the requisite expertise and skilled personnel required to provide professional **risk Managers** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **PIA McCarthy Forde** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **PIA McCarthy Forde** to serve as **Borough Risk Managers**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **PIA McCarthy Forde** for the provision of professional **risk manager services** is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **Risk Management firm** be and is hereby appointed as **Borough Risk Managers** for the year **2013** pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said **Borough Risk Manager** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution 48-13 Professional Service Agreement – Tax Appeal Counsel

WHEREAS, it is necessary for the Borough of Franklin Lakes to engage the professional services of **Special Tax Appeal Attorney** for the year **2013** to serve as **Borough Special Tax Appeal Attorney**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of **Gittleman, Muhlstock & Chewcaskie, L.L.P.** possess the requisite expertise and skilled personnel required to provide professional **Special Tax Appeal Attorney** services required by the Borough; and

WHEREAS; the Borough Administrator and the Administration Committee has determined that the firm of **Gittleman, Muhlstock & Chewcaskie, L.L.P.** services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Bivona has nominated the firm of **Gittleman, Muhlstock & Chewcaskie, L.L.P.** to serve as **Special Tax Appeal Attorney**, for the year 2013; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Gittleman, Muhlstock & Chewcaskie, L.L.P.** for the provision of **Special Tax Appeal Attorney** is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin Lakes, that said **Attorney** be and is hereby appointed as **Special Tax Appeal Attorney** for the year **2013** pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said **Special Tax Appeal Attorney** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18, as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Respectfully submitted,

Sally T. Bleeker

Sally T. Bleeker, Borough Clerk