

**MEETING OF THE MAYOR AND COUNCIL  
FEBRUARY 19, 2013  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, February 19, 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 (7:35 P.M.), Councilmember Kelly, Councilmember Lambrix, Council President Lota and Councilmember Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney William T. Smith and Borough Clerk Sally Bleeker. Absent was Councilmember Pedone.

**SUNSHINE LAW STATEMENT**

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

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**APPOINTMENT**

**Franklin Lakes Volunteer Fire Department – Scott Visbeen**

At this time, Mayor Bivona swore in Scott Visbeen into the Franklin Lakes Volunteer Fire Department.

**ORDINANCES FOR FINAL READING AND ADOPTION**

**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.*

Mayor suggested that Ordinance 1560 be tabled to the March 5, 2013 Mayor and Council meeting since a formal agreement has not been made.

Motion made by Council President Lota to table Ordinance No. 1560 to the March 5, 2013 Mayor and Council meeting, seconded by Councilmember Ramsey.

**Roll Call Vote:**

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

## 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**, an ordinance 1561 was introduced at a meeting of the Mayor and Council held on the 15th day of January, 2013 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 1561 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 Council President Lota to take up Ordinance No. 1561 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kahwaty. 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 Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

No one from the public came forward.

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

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

#### Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

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

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

Peter Nicolle – 219 Forest Street. He came forward concerned about the removal of trees on his property and posting bonds for the removal of trees. He stated that he spoke to Councilmember Lambrix prior to the meeting about the proposed tree ordinance 1562 and he answered most of his questions. Mayor Bivona said that the ordinance is meant to provide better clarity and flexibility when applying to remove trees.

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

## **CONSENT RESOLUTION 58-13**

**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 59-13	Accept Report of the Finance Committee
Resolution 60-13	Agreement – Bergen County Department of Health Services-Sanitarian
Resolution 61-13	Agreement – Tyco Animal Control
Resolution 62-13	Agreement – Valley Hospital Nursing Services and Communicable Disease Management
Resolution 63-13	Approve Contract – Firemen’s Field Lease
Resolution 64-13	Approve Facilities Use – Lions Club Circus
Resolution 65-13	Approve Facilities Use – Wyckoff Y Triathlon
Resolution 66-13	Stipulation of Settlement – Drost
Resolution 67-13	Stipulation of Settlement – Gerber
Resolution 68-13	Authorize Agreement for Certified Recycling Tonnage Grant Assistance Program
Resolution 69-13	Award Contract – Appraiser for Tax Appeals – Steliga
Resolution 70-13	Award Contract – Football Equipment Reconditioning
Resolution 71-13	Award Contract – IT Services
Resolution 72-13	Accepting and Supporting Green Team
Resolution 73-13	Hold Harmless Agreement – 607 Orchard Lane
Resolution 74-13	Opposing Senate Bill 2511 – Amendments to OPMA
Resolution 75-13	Refund of Tax Penalty – 745 High Woods Drive
Resolution 76-13	Budget Transfer

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

### Roll Call Vote:

Ayes: Kahwaty (with exception), Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain: Kahwaty – Resolution 64-13

Absent: Pedone

Motion Approved.

### **ACTION ON MINUTES**

Motion to accept the minutes was made by Councilmember Kahwaty and seconded by Councilmember Lambrix:

- January 1, 2013 Reorganization
- January 3, 2013 Worksession Meeting
- January 3, 2013 Closed Meeting
- January 15, 2013 Regular Meeting
- January 15, 2013 Special Budget Meeting
- January 15, 2013 Closed
- January 29, 2013 Special Joint Meeting with the Planning Board
- February 5, 2013 Closed

### Roll Call Vote:

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

Nays:

Abstain: Lambrix – January 29, 2013 Special Joint Meeting, February 5, 2013 Closed;  
Lota - January 29, 2013 Special Joint Meeting, February 5, 2013 Closed

Absent: Pedone

Motion Approved.

## **OLD BUSINESS**

### **Emergency Culvert Repair**

Borough Administrator Hart explained that permitting process will take longer than originally planned. The proposal from Boswell is \$16,000. The construction may include six (6) total pipes totaling \$75,000 - \$100,000 dollars. This needs to be discussed further as to how to repair this and how to safe guard it in the meantime. This is no longer considered an emergency repair. It will be part of the budget discussion.

### **Downtown Business District Feasibility Study**

Borough Administrator Hart explained that Beth McManus, the Borough Planner, suggested a public meeting before she issues her initial report. Councilmember Lambrix would like this to be structured. The draft report should be issued so that the public can react and give input. Mr. Hart will advise Ms. McManus to prepare a draft report.

## **NEW BUSINESS**

### **McCoy Road Request For Proposals**

After a brief discussion it was decided to form a committee to review the two (2) proposals received. The councilmembers who volunteered to be on the committee were Paulette Ramsey and Charlie Kahwaty. Councilmember Lambrix will be an alternate. Mayor Bivona suggested reaching out to families with special needs so that they can give the Borough input.

### **McBride Field**

Borough Administrator Hart advised that the Indian Trail Club has requested to use McBride field on March 8<sup>th</sup> and 9<sup>th</sup> for parking for their National Platform Tennis Championships. Mayor Bivona was concerned about the field being muddy. Mayor Bivona suggested that Mr. Hart speak with the Indian Trail Club to discuss alternate sites for parking.

## **INTRODUCTION OF ORDINANCES ON FIRST READING**

Motion to take up consideration of Ordinances Nos. 1562 and 1563 for Introduction, and direct the Clerk to read each by title was made by Councilmember Lambrix, seconded by Council President Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

### **ORDINANCE 1562**

#### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 71 “OFFICERS AND EMPLOYEES”, CHAPTER 118 “SHADE TREE COMMISSION”, CHAPTER 300 “LAND USE AND DEVELOPMENT”, CHAPTER 404 “SOIL REMOVAL”, AND CHAPTER 453 “TREES” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND PROVISIONS RELATING TO TREES**

*Summary: This ordinance implements comprehensive revisions to Borough ordinances pertaining to trees.*

### **ORDINANCE 1563**

#### **AN ORDINANCE ACCEPTING VARIOUS PROPERTIES ABUTTING RYERSON ROAD, WHICH HAVE BEEN DEEDED TO THE BOROUGH OF FRANKLIN LAKES BY THEIR OWNERS**

*Summary: By this ordinance, the Borough would be accepting Ryerson Road, which, upon adoption, would be a public road.*

**WHEREAS**, Ordinances 1562 and 1563 were introduced at a meeting of the Mayor and Council held on the 19th day of February, 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 1562 and 1563 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinances 1562 and 1563 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of March 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 1562 and 1563; 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 – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

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, February 19, 2013 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Litigation – Order to Show Cause - Gaeta

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

Upon returning from Closed Session, Mayor Bivona asked for a motion to have Borough Attorney Smith respond to the Gaeta order to show cause. Motion was made by Councilmember Kelly, seconded by Councilmember Lambrix.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

## **ADJOURNMENT**

Motion to adjourn the meeting was made at 8:25 PM by Councilmember Lambrix, seconded by Councilmember Kahwaty. On voice vote, all in favor.

### **Resolution 59-13      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 \$1,309,524.45 as shown on the Claims Bill List.

### **Resolution 60-13      Agreement – Bergen County Department of Health Services-Sanitarian**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the 2013 contract agreement for Health Officer Coverage, Sanitarian Services and blood borne pathogen compliance program with the Bergen County Department of Health Services as follows: Health Officer coverage, four (4) days per week Sanitarian services and the blood borne pathogen compliance program the total cost of the agreement is \$63,085.80 as approved by the Franklin Lakes Board of Health be signed by the Mayor and Borough Clerk.

### **Resolution 61-13      Agreement – Tyco Animal Control**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the 2013 animal control services contract agreement between the Borough of Franklin Lakes and Tyco Animal Control Services in the amount of \$11,700.00 and \$60.00 for after hours calls be signed by the Mayor and Borough Clerk as approved by the Board of Health.

### **Resolution 62-13      Agreement – Valley Hospital Nursing Services and Communicable Disease Management**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an agreement for the year 2013 as recommended by the Borough of Franklin Lakes Board of Health with the Valley Hospital for public health nursing \$2,649.57 and 2013 communicable disease management \$3,128.58 for a total contract cost of \$5,778.15.

### **Resolution 63-13      Approve Contract – Firemen’s Field Lease**

**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 Lease Agreement with the Franklin Lakes Fire Department, Inc., for the Borough’s use of “Firemen’s Field,” for the initial lease term of January 1, 2013 to December 31, 2013; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to the Franklin Lakes Fire Department, Inc.

### **Resolution 64-13      Approve Facilities Use – Lions Club Circus**

**WHEREAS**, the Lions Club of Franklin Lakes has requested the use of McBride Field for its annual circus to be held on September 29, 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 Club of Franklin Lakes is hereby granted permission to use McBride Field for its annual circus on September 29, 2013, subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

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

**Resolution 65-13      Approve Facilities Use – Wyckoff Y Triathlon**

**WHEREAS**, the Wyckoff Family YMCA has requested the use of Borough facilities, including McBride Field, for its annual Wyckoff-Franklin Lakes Triathlon to be held on June 15, 2013;

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

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Wyckoff Family YMCA is hereby granted permission to use Borough facilities, including McBride Field, for its annual Wyckoff-Franklin Lakes Triathlon on June 15, 2013, subject to compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

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

**Resolution 66-13      Stipulation of Settlement – Drost**

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

**WHEREAS**, the 1.6% reduction in the assessed valuation of the property has been recommended by the Tax Assessor of the Borough of Franklin Lakes based on his evaluation of comparable sales, and he has recommended this adjustment and concluded that it will cause the assessment to reflect the actual fair market value of said property; 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 property as shown:

Block:                    1304  
Lot:                        1.04  
Street Address:        104 Greenfield Hill  
Owner:                    Brian and Nadine Drost

**Tax Year:                2011**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 448,000	\$ 448,000
Improvements	\$1,859,800	\$1,551,600
Total	\$2,307,800	\$2,270,600

**Tax Year:                2012**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 448,000	\$ 448,000
Improvements	\$1,859,800	\$1,551,600
Total	\$2,307,800	\$2,270,600

**IT IS FURTHER** approved that the Borough Attorney is hereby authorized to execute the Stipulation of Settlement attached hereto.

**Resolution 67-13 Stipulation of Settlement – Gerber**

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

**WHEREAS**, the Borough conducted a revaluation of all property for the year 2011, and said revaluation indicated that the fair market value of the subject property 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 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 property as shown:

Block: 1104  
Lot: 16  
Street Address: 550 Hampton Hill Road  
Owner: Gary and Yvonne Gerber

**Tax Year: 2010**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$1,022,000	\$1,022,000
Improvements	\$1,633,600	\$1,303,000
Total	\$2,655,600	\$2,325,000

**Tax Year: 2011**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 719,000	\$ 719,000
Improvements	\$1,400,300	\$1,341,000
Total	\$2,119,300	\$2,060,000

**Tax Year: 2012**

Original	<u>Requested Tax Assessment</u>	<u>Court Judgment</u>
Land	\$ 719,000	\$ 719,000
Improvements	\$1,400,300	\$1,341,000
Total	\$2,119,300	\$2,060,000

**IT IS FURTHER** approved that the Borough Attorney is hereby authorized to execute the Stipulation of Settlement attached hereto.

**Resolution 68-13 Authorize Agreement for Certified Recycling Tonnage Grant Assistance Program**

**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 Service Agreement with the

Bergen County Utilities Authority for a Certified Recycling Professional for the year 2013 after review and approval by the Borough Attorney.

**Resolution 69-13 Award Contract – Appraiser for Tax Appeals – Steliga**

**WHEREAS**, the Borough of Franklin Lakes has a need for the provision of appraisal services for a appraisal report for the Steliga property located at Block 1404, Lot 11.02 & Block 1404.01 Lot 2 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 has agreed to provide appraisal services relative to the pending tax appeal on the Steliga property Block 1404 Lots 11.02 & Block 1404.01 Lot 2 within the Borough of Franklin Lakes as the Borough Appraiser in accordance with his proposal dated January 9, 2013 for the amount of \$7,000.00; and

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

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

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

**Resolution 70-13 Award Contract – Football Equipment Reconditioning**

**WHEREAS**, the Borough of Franklin Lakes received four (4) proposals for 2013 Football Equipment: Helmets and Shoulder Pads Reconditioning for the Franklin Lakes Recreation Office; 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. Riddell, 669 Sugar Lane, Elyria, OH 44035 is hereby awarded a contract in the amount of \$6,103.50.
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract

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

**Resolution 71-13 Award Contract – IT Services**

**WHEREAS**, the Borough Administrator solicited proposals for a service contract to support the Borough's information technology systems; and

**WHEREAS**, one proposal was submitted in response to the request for proposals; and,

**WHEREAS**, the Borough Administrator recommends that the service contract to support the Borough's information technology systems be awarded to All In One Computers, Inc., 46 Davenport Road, Montville, New Jersey, based on price and the Borough's satisfactory experience with this vendor, in accordance with the January 23, 2013 proposal;

**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 service contract to support the Borough's information technology systems be and is hereby awarded to All In One Computers, Inc., 46 Davenport Road, Montville, New Jersey, in accordance with the January 23, 2013 proposal, for a period of one year, with the Borough's option to extend the contract for two additional one year extensions; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to All In One Computers, Inc.

**Resolution 72-13     Accepting and Supporting Green Team**

**WHEREAS**, by resolution adopted on March 16, 2010, the Mayor and Council expressed its support for the Franklin Lakes' Green Team's participation in the Sustainable Jersey Municipal Certification Program; and,

**WHEREAS**, the Franklin Lakes Environmental Commission was appointed as the official Franklin Lakes Green Team, with support from committed volunteers in the community; and

**WHEREAS**, since early 2010, the Green Team has been actively pursuing the goal of becoming Sustainable Jersey certified and have catalogued significant sustainability actions so that Franklin Lakes may pursue Sustainable Jersey certification at the Bronze Level in 2013;

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Franklin Lakes strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Borough of Franklin Lakes hereby acknowledges that the residents of Franklin Lakes desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, the Borough of Franklin Lakes wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path the Borough of Franklin Lakes is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Borough of Franklin lakes, we have significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

**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 following persons are hereby appointed or reappointed to the Franklin Lakes Green Team for 2013:

- Susan Barbuto, Regular Member Environmental Commission
- Michael Colombo, Regular Member Environmental Commission
- Jordan Frey, Regular Member College Student
- Robert Gamer, Regular Member Citizen Representative
- Gregory C. Hart, Borough Administrator
- Stan Heimberger, Regular Member Citizen Representative
- Carole Holden, Chair, Environmental Commission
- Tom Lambrix, Franklin Lakes Borough Council
- Rich Lilienthal, Recycling Coordinator, Franklin Lakes DPW
- Brooke Majka, Student Ramapo College Environmental Science Program
- Rich Meister, Alternate Member Environmental Commission

- Amalia Meliti, Regular Member Citizen Representative
- Moira Murphy, Regular Member Environmental Commission
- Joe Palmieri, Regular Member Environmental Commission and Planning Board Member
- Brian Peterson, Superintendent Franklin Lakes DPW
- Don Scine, Regular Member Environmental Commission
- Evros Vassiliou, Alternate Member Environmental Commission
- Skip Williamson, Regular Member Environmental Commission

**BE IT FURTHER RESOLVED** that the Mayor and Council supports the Franklin Lakes Green Team in continuing to be active in the community and advancing sustainable practices and actions included in the Sustainable Jersey municipal certification program; and,

**BE IT FURTHER RESOLVED** that the Mayor and Council support the Green Team in its role of leading and coordinating the sustainability activities of the community; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Sustainable Jersey and every member of the Franklin Lakes Green Team.

**Resolution 73-13      Hold Harmless Agreement – 607 Orchard Lane**

**WHEREAS**, Burani, LLC, owners of Block 2304.10, Lot 2, in the Borough of Franklin Lakes, has requested permission from the Mayor and Council to tie their footing drains via a pump system to the Borough storm system located on Peach Tree Lane adjacent to their property. Also, proposed is lawn inlet connection to the storm system located within Orchard Lane to address ponding issues; and

**WHEREAS**, the Borough Engineer recommends that a Hold Harmless Agreement be executed as a condition of the grant of permission;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Borough Clerk be authorized to sign a Hold Harmless Agreement with Burani LLC, in a form prepared by the Borough Attorney.

**Resolution 74-13      Opposing Senate Bill 2511 – Amendments to OPMA**

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and,

**WHEREAS**, the governing body of the Borough of Franklin Lakes agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and,

**WHEREAS**, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and,

**WHEREAS**, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and,

**WHEREAS**, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and,

**WHEREAS**, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and,

**WHEREAS**, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and,

**WHEREAS**, subcommittees do not commit the governing body to action or expend public funds; and,

**WHEREAS**, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and,

**WHEREAS**, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and,

**WHEREAS**, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed; and (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and,

**WHEREAS**, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and,

**WHEREAS**, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and,

**WHEREAS**, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and,

**WHEREAS**, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and,

**WHEREAS**, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and,

**WHEREAS**, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and,

**WHEREAS**, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, for the reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and,

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature, as the rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and,

**BE IT FINALLY RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, and Assemblyman Gordon Johnson, the legislators of the Borough of Franklin Lakes, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**Resolution 75-13 Refund of Tax Penalty – 745 High Woods Drive**

**WHEREAS**, the homeowner paid the taxes for the 4<sup>th</sup> quarter of 2012 late and,

**WHEREAS**, the homeowner was charged interest on the 4<sup>th</sup> quarter of 2012,

**WHEREAS**, the Mayor and Council approved a refund of the interest,

**WHEREAS**, it caused an overpayment on the taxes for the 4<sup>th</sup> quarter,

**NOW, THEREFORE, BE IT RESOLVED**, that the treasurer be authorized to issue a check for the following amount and the same to be charged to interest 2012.

Block 2303.02 Lot 13            \$84.16  
Ronald & Susan DiPasquale  
745 High Woods Drive  
Franklin Lakes, NJ 07417

**Resolution 76-13 Budget Transfer**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that the following 2012 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Road Repairs & Maintenance OE	2,000	
<b>To</b>		
Garbage & Trash Removal-Contractual		2,000
	<hr/>	<hr/>
	2,000	2,000

Respectfully submitted,



Sally T. Bleeker, Borough Clerk