

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

A regular meeting of the Mayor and Council was held on Tuesday, March 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, 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**

In recognition of Geoffrey Rosamond, former Franklin Lakes Councilmember.

**APPOINTMENT**

**Franklin Lakes Volunteer Fire Department, Junior Member – Tyler C. Schoffelen**

Motion to appoint Tyler C. Schoffelen to the Franklin Lakes Volunteer Fire Department as a Junior Member was made by Councilmember Kahwaty, seconded by Councilmember Ramsey.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

At this time, Mayor Bivona swore Tyler C. Schoffelen into the Franklin Lakes Volunteer Fire Department as a Junior Member.

**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 April 2, 2013 Mayor and Council meeting since a formal agreement still has not been made. Mayor Bivona will be meeting with them on Friday morning.

Motion made by Councilmember Kahwaty to table Ordinance No. 1560 to the April 2, 2013 Mayor and Council meeting, seconded by Councilmember Kelly.

Roll Call Vote:

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

**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.*

**WHEREAS**, an ordinance 1562 was introduced at a meeting of the Mayor and Council held on the 19th day of February, 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 1562 be and the same is hereby adopted on second and final reading; and,

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

Motion made by Councilmember Lambrix to take up Ordinance No. 1562 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Council President Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

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

Peter Nicole – 219 Forest Street. Mr. Nicole came forward concerned about the \$5,000 bond for tree removal on page 21, Section A. He also referred to page 24 saying it seems like it applies to residents.

Borough Administrator, Greg Hart, assured there is no bond required in his case.

Motion to close the hearing to the public was made by Councilmember Kahwaty, seconded by Councilmember Lambrix. 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, Pedone, Ramsey  
Nays:  
Abstain:  
Absent:  
Motion Approved.

**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**, an ordinance 1563 was introduced at a meeting of the Mayor and Council held on the 19th day of February, 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 1563 be and the same is hereby adopted on second and final reading; and,

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

Motion made by Councilmember Kahwaty to take up Ordinance No. 1563 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kelly. 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 Pedone, seconded by Council President Lota. 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 Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

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.

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Peter Nicole – 219 Forest Street. Mr. Nicole came forward saying that he uses the gym and commented that the fees are a great deal in comparison to higher cost gyms. He asked if the Franklin Lakes gym could extend their hours again.

Mayor Bivona advised that they are looking for ways to do so.

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 86-13

**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 87-13	Accept Report of the Finance Committee
Resolution 88-13	Approval of BMED Plan Documents
Resolution 89-13	Authorize Online Auction – Gov Deals
Resolution 90-13	Authorize Online Auction – E Bay
Resolution 91-13	Authorize Planning Board Application – Verizon Wireless Cell Antenna
Resolution 92-13	Authorize Settlement – Passaic River Litigation
Resolution 93-13	Award Contract – Fire Department Specialty Utility Vehicle
Resolution 94-13	Award Contract – Ambulance Radio Repairs
Resolution 95-13	Bergen County Mutual Aid
Resolution 96-13	Oppose Early Voting Bills
Resolution 97-13	Award Contract DPW Lettering – Graphics
Resolution 98-13	Authorize Agreement for Employee Assistance Program
Resolution 99-13	Tax Title Lien Redemption/Outside Lien Holder
Resolution 100-13	Canceling Taxes - Block 2419.03 Lot 4.01
Resolution 101-13	Stipulation of Settlement – Albanese
Resolution 102-13	Temporary Budget
Resolution 103-13	Budget Transfer
Resolution 104-13	Tax Appeal Refund – Block 1206, Lot 16

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

### Roll Call Vote:

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

## RESOLUTION

### **Resolution 105-13 Opposing Free County Services**

**WHEREAS**, the County of Bergen (hereinafter “the County”) has recently proposed the provision of 911 dispatch services to all Bergen County municipalities at no cost to the municipalities; and,

**WHEREAS**, the County has also presented a plan for the provision, in the near future, of emergency services dispatch for all Bergen County municipalities at no cost to the municipalities; and,

**WHEREAS**, the County has indicated its intention to provide additional services to municipalities at the County level in the name of shared services, claiming that it can provide these services more cost-efficiently than municipalities; and,

**WHEREAS**, the cost of any service provided by the County is paid through County taxes, which are paid by all County residents based on the equalized assessed value of the resident’s home; and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes strongly support cost savings through shared services, where feasible and practicable, and have been active in seeking and entering into shared services and joint purchasing opportunities with other municipalities,

including, but not limited to, its successful shared services and joint purchasing arrangements with the WOLF Group and the Northwest Shared Services Group; and,

**WHEREAS**, the Mayor and Council cannot support County initiatives to provide services at no cost to municipalities when many, if not all, such services will result in increased property taxes to the residents of Franklin Lakes, because County taxes are based on equalized assessed values and are not calculated on a per capita basis; and,

**WHEREAS**, because the average assessed value of homes in Franklin Lakes is substantially higher (2.5 times higher) than the average assessed home in Bergen County, Franklin Lakes taxpayers end up paying a substantially higher proportionate share of any County service provided to municipalities; and,

**WHEREAS**, the actual cost of services provided by the County, such as emergency services dispatch, would be approximately the same for all Bergen County residents and therefore should be charged based on a per resident, or per capita basis; and,

**WHEREAS**, prior to moving forward with any of these initiatives, the County should provide municipalities with a financial analysis including, but not limited to, an analysis of all costs of construction, equipment, and staffing of proposed centralized facilities, which can be reviewed and considered by municipalities in the decision-making process; and,

**WHEREAS**, if the County is able to demonstrate that it can provide a service more cost effectively on a County-wide basis to all Bergen County municipalities, then the cost of those services should be charged to the municipalities by contract on a per capita basis, based on an arm's length negotiation, and not through County taxes which are assessed based on equalized assessed value; and,

**WHEREAS**, municipalities should also be given the choice of whether or not to enter into such contracts, as it may not be cost effective or may not be prudent for other reasons for an individual municipality to obtain such services through the County;

**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 reasons stated hereinabove, the Borough of Franklin Lakes opposes the provision of services by the County of Bergen at no cost to Bergen County municipalities; and,

**BE IT FURTHER RESOLVED** that services provided by the County to municipalities should be charged to the municipalities by contract based on an arm's length negotiation, on a per capita basis, and not based on equalized assessed value; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to the Bergen County Executive, the Bergen County Board of Chosen Freeholders, and each of the Bergen County municipalities.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mayor Bivona explained his position saying that the County's claim that this service is free is not correct and opposes the free services as proposed by the County. Mayor Bivona advised he is not against shared services. He is against how this is being proposed as "free" when it's really based off of assessed property values and not per capita. This means that Franklin Lakes' residents will be paying more since the property values are assessed higher than other Bergen County municipalities. Further discussions ensued in regards to shared service examples.

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 Ramsey and seconded by Councilmember Kelly:

- February 5, 2013 Worksession
- February 19, 2013 Regular Meeting
- February 19, 2013 Closed
- February 26, 2013 Closed
- March 5, 2013 Closed

### Roll Call Vote:

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

Nays:

Abstain: Lambrix – February 5, 2013 Worksession; Lota – February 5, 2013 Worksession and February 26<sup>th</sup> Closed; Pedone – February 19, 2013 Regular and Closed

Absent:

Motion Approved.

At this time, Councilmember Ramsey asked Mr. Hart about the property markers behind Mill Pond condos. Mr. Hart said a proposal from the Engineer has been received, but they have not been authorized to move forward. The Construction Official has been out to the area where a landscaper is infringing on Borough property and their vehicles and logs have been moved. The Construction Official will be following up and meeting with the landscaper to mark the property using the survey. It is possible that boulders may be used to mark the line.

## **OLD BUSINESS**

### **Police Sergeant – Departmental Promotional Process**

Council President Lota explained that she and Councilmember Ramsey met with Chief Seltenrich about some changes to the promotional process. They are satisfied with the changes made.

Borough Attorney Smith still does not approve of the process of the Chief ranking the candidates. Councilmember Lota explained the candidates would not be “ranked” they will just move forward with the process in no specific ranking order. Borough Attorney Smith said this process may cause the Council to lose more control in the process and open the Borough up to legal action. Councilmember Lota said she would prefer a recommendation from the professional in this case. Councilmember Ramsey also felt she would rather have the Chief give his recommendations to the Mayor and Council.

Councilmember Kahwaty suggested that additional language be added to give more authority to the Mayor and Council. The language could say the Mayor and Council are not bound by the recommendations made. Mr. Hart added that in many cases you want to know the Chief’s top rank.

Mayor Bivona suggested that Councilmembers Lota, Pedone and Kahwaty meet further to define the process. Borough Attorney Smith could prepare something. Councilmember Lota wants the Chief involved as well.

At this time Councilmember Lambrix asked for an update on the litigation regarding no left turn out of the shopping center. Borough Attorney Smith said that 3 of the 5 counts were dropped. They are not attacking the Ordinance at this point. He is still awaiting the court outcome.

## NEW BUSINESS

### Hiring of Patrol Officers – Sergeant Schnaidt Letter

Mr. Hart advised that they have started the hiring process. An advertisement has been placed for one, possibly two, patrolmen. The Chief would like an open process meaning we could possibly have to send someone to police academy which begins July 1<sup>st</sup> and is a 6 month process. Then they would be trained for 6 to 8 weeks. The deadline to submit applications is April 1<sup>st</sup>. The interview process will be similar to what has happened in the past.

### 2013 Budget Adoption Carried to April 16, 2013 Meeting

At this time, Borough Administrator, Greg Hart, pointed out that the Budget Adoption is scheduled for the April 2<sup>nd</sup> meeting, but 3 Councilmembers will not be present. He suggested that the 2013 Budget adoption be carried to April 16<sup>th</sup> meeting. After a quick consensus the Council agreed to the change.

## INTRODUCTION OF ORDINANCES ON FIRST READING

Motion to take up consideration of Ordinances Nos. 1565 and 1566 for Introduction, and direct the Clerk to read each by title was made by Councilmember Kahwaty, seconded by Council President Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

### **ORDINANCE 1565**

#### **AN ORDINANCE SUPPLEMENTING CHAPTER 470 “VEHICLES AND TRAFFIC” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT PARKING ON A PORTION OF ACKERMAN STREET**

### **ORDINANCE 1566**

#### **AN ORDINANCE RELATING TO SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES, COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR 2013**

**WHEREAS**, Ordinances 1565 and 1566 were introduced at a meeting of the Mayor and Council held on the 19th day of March, 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 1565 and 1566 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinances 1565 and 1566 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 16th day of April 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 1565 and 1566; 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 Kelly. Discussion – none.

Roll Call Vote:

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

**CLOSED SESSION**

There were no issues for discussion in Closed Session.

**ADJOURNMENT**

Motion to adjourn the meeting was made at 9:00 P.M. by Councilmember Pedone, seconded by Councilmember Lambrix. On voice vote, all in favor.

**Resolution 87-13 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 \$290,651.90 as shown on the Claims Bill List; \$7,453.25 as shown on the Soil Account Bill List and \$5,293.00 as shown on the Developers Escrow List.

**Resolution 88-13 Approval of BMED Plan Documents**

**WHEREAS**, the Borough of Franklin Lakes provides an Employee Benefits Program consisting of medical, prescription and dental benefits for eligible employees, dependents and retirees; and,

**WHEREAS**, the medical benefits portion of said Benefit Program is administered through the Bergen Municipal Employee Benefits Fund (hereinafter “the BMED”), a public entity consisting of municipalities and school boards that partially self-insures employee benefit programs; and,

**WHEREAS**, the Program Manager retained by the BMED was directed to write a Plan Document (consisting of three (3) sections, entitled QPOS 10, QPOS 15 & FL HMO) to reflect the plans of benefit provided prior to the Borough’s membership in the BMED, and further, to incorporate changes necessitated through federal and State mandates, as well as emerging medical treatments that have become accepted medical practice as of this document re-write; and,

**WHEREAS**, the final Draft document incorporates the changes recommended by the Borough’s Health Benefits Consultant, and further, the BMED represents through the final Draft Plan Document, the intent and scope of the prior Plan Document remains consistent with the existing plan of benefit, thereby ensuring compliance with the contractual obligations of the Borough to all contractual as well as non-contractual employees, covered dependents and retirees;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that the final Draft of the Plan Document presented by the BMED is hereby accepted by the Borough and recognized as the current Plan Document, until such time as a successor document shall be named; and,

**BE IT FURTHER RESOLVED** that the Mayor and Borough Administrator are hereby authorized and directed to execute this document and file the original signature page(s) with the BMED, in accordance with the procedures set forth by the Fund and as directed by the Borough’s Health Benefits Consultant; and,

**BE IT FINALLY RESOLVED** that a certified copy of this Resolution be forwarded to the Chief Financial Officer, Borough Auditor and the Health Benefits Consultant to the Borough.

**Resolution 89-13      Authorize Online Auction – Gov Deals**

**WHEREAS** pursuant to N.J.S.A. 40A:11-36 and Local Finance Notice 2008-9, the Mayor and Council of the Borough of Franklin Lakes is desirous of selling the vehicles and items listed below by online auction;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, the items listed below are hereby authorized to be sold at an online auction to be held on GovDeals:

- 1996 Ford F-800 VIN# 1FDYF80E3TVA13016 cab and chassis
- 1988 IH VIN# 1HTLDTVN6JH608747 cab and chassis
- 2008 Ford Crown Victoria police car 2FAFP71V18X152512
- 2008 Ford Crown Victoria police car 2FAP71V38X152513

**BE IT FURTHER RESOLVED** that the items are no longer needed for public use; and,

**BE IT FURTHER RESOLVED** that the sale will be held on GovDeals, at [www.govdeals.com](http://www.govdeals.com); and,

**BE IT FURTHER RESOLVED** that the sale is being conducted pursuant to Local Finance Notice 2008-9; and,

**BE IT FINALLY RESOLVED** that the terms and conditions of the agreement entered into with the vendor are available on the vendor's website and available in the office of the Borough Clerk.

**Resolution 90-13      Authorize Online Auction – E Bay**

**WHEREAS** pursuant to N.J.S.A. 40A:11-36 and Local Finance Notice 2008-9, the Mayor and Council of the Borough of Franklin Lakes is desirous of selling the vehicles and items listed below by online auction;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, the items listed below are hereby authorized to be sold at an online auction to be held on ebay:

- 1 Plastic 28 gal Todd fuel caddy (leaks at hoses)
- Value Craft 14 in 16 speed Drill Press Model 8100
- Rigid power tool set
  - R851150 drill
  - R855 6 ½ in skill saw,
  - R854 saws all,
  - R8823 impact gun
  - R859 flash Light
  - 24 volt XLI charger
  - 1 E183634 24 volt Li-ION battery
- Rigid power tool set
  - R851150 drill
  - R855 6 ½ skill saw
  - R854 saws all
  - R859 flashlight
  - 24 volt XLI charger
- 6 Dell Vostro laptops (Vostro 1500, Intel Core 2 Duo T5270, 1.4GHz, 800Mhz, 2M L2 Cache)
- 3 Lanier recording machines
- Masterlink High Resolution Master Disk recording machine
- Brother Super G3 fax machine
- Fax machine
- 2 IBM typewriters

- White board – Quartet
- Vacuum
- HP Laserjet 2300 printer
- Panasonic Portable DVD Player LS91, sn-VP6CC012188R
- Canon digital video recorder ZR850, sn-582412008282
- Uniden Powermax digital answering machine ELBT595
- Sony PlayStation 3 sn-CE133782200
- PlayStation 3 NBA 07 game
- PlayStation 3 Virtua Fighter 5 game
- Xbox 360 sn-049410363307
- Panasonic HT740 5 Disc Changer sn-DC6IH00641R
- 2 - Panasonic speakers SBFS741, sn-TT61A007644
- Panasonic subwoofer sn-TT61A006151
- Panasonic speaker sn-TT61A006056
- 2 - Panasonic speakers SBFS941 sn-TN6JA134328
- Ring, yellow metal with 5 white stones
- Ring, yellow metal with 1 white stone
- Necklace, yellow metal with 13 white stones
- Pair- earrings, yellow metal with 1 white stone each
- Necklace, yellow metal
- PlayStation 2 NFL Street 2 game
- PlayStation 2 Need for Speed Underground game
- PlayStation 2 Def Jam Fighter game
- PlayStation 2 Street Fighter Anniversary Collection game
- 4-PlayStation 2 8MB Memory Cards

**BE IT FURTHER RESOLVED** that the items are no longer needed for public use; and,

**BE IT FURTHER RESOLVED** that the sale will be held on ebay, at [www.ebay.com](http://www.ebay.com); and,

**BE IT FURTHER RESOLVED** that the sale is being conducted pursuant to Local Finance Notice 2008-9; and,

**BE IT FINALLY RESOLVED** that the terms and conditions of the agreement entered into with the vendor are available on the vendor's website and available in the office of the Borough Clerk.

**Resolution 91-13      Authorize Planning Board Application – Verizon Wireless Cell Antenna**

**WHEREAS**, Verizon Wireless has been awarded a Lease for property on the municipal complex in the Borough of Franklin Lakes to be utilized for equipment used in connection with an antenna to be placed on the adjacent cell tower; and

**WHEREAS**, the adjacent cell tower is permitted pursuant to a Lease between Sprint and the Borough of Franklin Lakes; and

**WHEREAS**, Sprint and Verizon seek permission from the Borough of Franklin Lakes to increase the height of the cell tower, and to be permitted to locate the Verizon antenna on this extended portion of the cell tower; and

**WHEREAS**, the Lease between Sprint and the Borough of Franklin Lakes requires that the Borough of Franklin Lakes approve any subtenants; and

**WHEREAS**, the Lease requires that any and all subtenants sign and agree to be responsible for any and all obligations contained in the Lease between Sprint and the Borough of Franklin Lakes; and

**WHEREAS**, Sprint and/or Verizon will require the approval of the Borough of Franklin Lakes and the Franklin Lakes Planning Board to extend the height of the tower from 138 feet to 148 feet; and

**WHEREAS**, that application is presently pending before the Franklin Lakes Planning Board; and therefore it is hereby

**RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the proposed Lease provided to the Borough of Franklin Lakes for review between Cellco Partnership d/b/a Verizon Wireless (Lessee), and Sprint Spectrum LP (SSLP) is hereby approved to the extent that it permits an additional antenna to be placed on the cell tower, and provided that the subtenant complies with all of the obligations of the original Lease between Sprint and the Borough of Franklin Lakes, including executing that Lease and assuming any and all appropriate responsibilities as required by that Lease, and provided that any extension to the cell tower is approved by the Planning Board of the Borough of Franklin Lakes and the Mayor and Council of the Borough of Franklin Lakes.

**Resolution 92-13      Authorize Settlement – Passaic River Litigation**

**WHEREAS**, the Borough of Franklin Lakes is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No.ESX-L-9868-05(PASR) (the Passaic River Litigation); and,

**WHEREAS**, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, “Plaintiffs”), have offered to settle directly with all Third Party Defendants, including the Borough of Franklin Lakes; and,

**WHEREAS**, on behalf of the Borough of Franklin Lakes, counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the Borough of Franklin Lakes and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and,

**WHEREAS**, negotiations between Plaintiffs and Third Party Defendants, including the Borough of Franklin Lakes, have resulted in the preparation of a proposed Consent Judgment and related settlement documentation; and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin Lakes has reviewed with counsel the proposed Consent Judgment and related settlement documentation; and,

**WHEREAS**, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the Borough of Franklin Lakes until such time as they are published by plaintiffs in accordance with the Consent Order on the Approval Process for the Proposed Consent Judgment entered by the Court on January 24, 2013 (“Consent Order”); and,

**WHEREAS**, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and,

**WHEREAS**, the Mayor and Council desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order.

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

1. All of the foregoing “Whereas” clauses are incorporated by reference as if set forth at length herein.
2. The Borough of Franklin Lakes hereby authorizes the settlement of the Passaic River Litigation substantially in accordance with the terms set forth in the proposed Consent Judgment and related settlement documentation reviewed by the Mayor and Council.

3. Borough counsel and all other appropriate Borough officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.
4. The appropriation of any and all settlement sums shall be the subject of a subsequent resolution to be adopted by the Mayor and Council of the Borough of Franklin Lakes after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment.
5. This Resolution shall take effect immediately and/or as required by law.

**Resolution 93-13 Award Contract – Fire Department Specialty Utility Vehicle**

**WHEREAS**, the Borough of Franklin Lakes advertised for and opened bids on February 28, 2013 for the purchase of a Fire Department Specialty Utility Vehicle; and,

**WHEREAS**, one (1) companies submitted a bid for Fire Department Specialty Utility Vehicle; and

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

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

1. Absolute Fire Protection Company, Inc. 2800 Hamilton Boulevard, South Plainfield, NJ 07080, is hereby awarded the contract for the Fire Department Specialty Utility Vehicle for a total bid amount of \$149,341.00; and
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there are sufficient appropriations to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

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

**Resolution 94-13 Award Contract – Ambulance Radio Repairs**

**WHEREAS**, the Ambulance Corps ordered repairs for a Motorola radio without soliciting multiple proposals; and,

**WHEREAS**, the Mayor and Council wish to award this contract to the vendor that submitted the proposal, 10-75 Emergency Lighting LLC, an entity in which a Borough employee has an interest, which proposal is under the amount of the Borough’s \$5,400 quote threshold; 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**, because only one proposal was received, the Borough Administrator is unable to provide 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 10-75 Emergency Lighting, LLC 51 Executive Parkway Building 1, Ringwood, NJ 07456 be and is hereby awarded a contract for the repair of an Ambulance Corps radio in the amount of \$97.50; and,

**BE IT FURTHER RESOLVED** that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract;

**BE IT FINALLY** that the Chief Financial Officer be and is hereby authorized and directed to issue payment upon receipt of an approved voucher.

**Resolution 95-13      Bergen County Mutual Aid**

**WHEREAS**, the police departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order, and

**WHEREAS**, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies, and

**WHEREAS**, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies, and

**WHEREAS**, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App.A:9-40.6, and

**WHEREAS**, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property, and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Franklin Lakes to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes that the police Department of the Borough of Franklin Lakes, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

**BE IT FURTHER RESOLVED** that a copy of the Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, and all municipalities in the County of Bergen.

**Resolution 96-13      Oppose Early Voting Bills**

**WHEREAS**, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and,

**WHEREAS**, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and,

**WHEREAS**, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and,

**WHEREAS**, these bills would require for each primary and general election public facilities, except a public school, within the County, to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and,

**WHEREAS**, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and,

**WHEREAS**, these bills would increase costs to municipalities, including overtime pay for workers; and,

**WHEREAS**, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and,

**WHEREAS**, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey does hereby oppose S2364 and A3553; and,

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and,

**BE IT FINALLY RESOLVED** that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

**Resolution 97-13      Award Contract DPW Lettering – Graphics**

**WHEREAS**, the Superintendent of the Road Department solicited three proposals for reflective lettering and graphics for DPW trucks and containers; and,

**WHEREAS**, one of the vendors solicited failed to submit a proposal in a timely manner and, because of time constraints, the DPW Superintendent was unable to obtain a third proposal; and,

**WHEREAS**, the Mayor and Council wish to award this contract to the vendor that submitted the lowest proposal, The Sigtist, an entity in which a Borough employee has an interest; 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**, because only two proposals were received, the Borough Administrator is unable to provide 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 The Sigtist, 812 Pueblo Drive, Franklin Lakes, New Jersey 07417, be and is hereby awarded a contract for DPW lettering and graphics in the amount of \$760; and,

**BE IT FURTHER RESOLVED** that a Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract;

**BE IT FINALLY** that the Chief Financial Officer be and is hereby authorized and directed to issue payment upon receipt of an approved voucher.

**Resolution 98-13 Authorize Agreement for Employee 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 Public Health shared-services agreement, Employee Assistance Program, for the year 2013 as recommended by the Borough Administrator with the Bergen County Department of Health Services for a total contract cost not to exceed \$1,350.00.

**Resolution 99-13 Tax Title Lien Redemption/Outside Lien Holder**

**WHEREAS**, the owner of the property located at 809 Pony Trail also known as Block 1606.01 lot 8 came to the tax office on March 11, 2013, with a check to redeem Tax Title Certificate 12-00004 dated December 28, 2012.

**WHEREAS**, the payment was issued to the Borough of Franklin Lakes, and same was deposited in the current account

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer be and she is hereby authorized to issue checks to the following:

BLOCK 1606.01 LOT 8	Redemption \$30,353.43
	Premium \$43,000.00

Sunshine St Cert. IV/ BankUnited  
7900 Miami Lakes Dr  
Miami Lakes, Fl. 33016

**Resolution 100-13 Canceling Taxes - Block 2419.03 Lot 4.01**

**WHEREAS**, the property was deeded to the Borough of Franklin Lakes in April of 2012,

**WHEREAS**, the homeowner did not pay the taxes from 2009, 2010, 2011 and the first half of 2012.

**WHEREAS**, we are canceling the taxes for those years prior.

**NOW, THEREFORE, BE IT RESOLVED**, that the mayor and council cancel the taxes for the above years.

Block 2419.03 Lot 4.01  
Ewing Avenue 208 Ramp

2009 taxes 3 <sup>rd</sup> quarter	\$8.10
2009 taxes 4 <sup>th</sup> quarter	\$7.00
2010 taxes 1 <sup>st</sup> quarter	\$8.00
2010 taxes 2 <sup>nd</sup> quarter	\$8.00
2010 taxes 3 <sup>rd</sup> quarter	\$8.40
2010 taxes 4 <sup>th</sup> quarter	\$8.00
2011 taxes 1 <sup>st</sup> quarter	\$8.00
2011 taxes 2 <sup>nd</sup> quarter	\$8.00
2011 taxes 3 <sup>rd</sup> quarter	\$12.78
2011 taxes 4 <sup>th</sup> quarter	\$11.00
2012 taxes 1 <sup>st</sup> quarter	\$10.00
2012 taxes 2 <sup>nd</sup> quarter	\$5.00

**Resolution 101-13 Stipulation of Settlement – Albanese**

**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: 2304.03  
 Lot: 4  
 Street Address: 722 Oak Lane  
 Owner: Albanese, Anthony J. and Elisanne

**Tax Year: 2010**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 579,500	\$ 579,500
Improvements	\$ 969,700	\$ 822,200
Total	\$1,549,200	\$1,401,700

**Tax Year: 2011**

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 433,600	\$ 433,600
Improvements	\$ 820,500	\$ 820,500
Total	\$1,254,100	\$1,254,100

**Tax Year: 2012**

Original	<u>Requested Tax Assessment</u>	<u>Court Judgment</u>
Land	\$ 433,600	\$ 433,600
Improvements	\$ 820,500	\$ 820,500
Total	\$1,254,100	\$1,254,100

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

**Resolution 102-13 Temporary Budget**

**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 \$465,425.00;

**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:

Salaries & Wages:	Administration	17,550.00	
	Municipal Clerk	3,700.00	
	Finance Admin.	4,800.00	
	Tax Collection	2,000.00	
	Tax Assessment	1,300.00	
	Engineering	3,400.00	
	Planning	100.00	
	Zoning Board	300.00	
	Construction Dept.	7,100.00	
	Electrical Inspector	3,500.00	
	Plumbing Inspector	1,200.00	
	Fire Protection	1,700.00	
	Zoning Official	600.00	
	Police	150,000.00	
	Uniform Fire Safety	1,000.00	
	Road Repairs& Maint.	60,000.00	
	Shade Tree	1,200.00	
	Board of Health	2,500.00	
	Recreation Dept.	200.00	
	Municipal Court	5,000.00	
	Other Expenses:	Municipal Prosecutor	100.00
		Public Defender	375.00
Social Security		10,000.00	
Road Repairs& Maint.		40,000.00	
Group Ins. Employees		45,000.00	
Gasoline		7,000.00	
Finance		600.00	
Tax Collection		200.00	
Maint. Public Library	92,000.00		

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 103-13 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	675	
<u>To</u>		
Planning Board-Prof. Services OE		675
	<hr/>	<hr/>
	675	675

**Resolution 104-13 Tax Appeal Refund – Block 1206, Lot 16**

**WHEREAS**, The property listed below filed an assessment appeal with the Tax Court of New Jersey, and,

**WHEREAS**, the Tax Court reduced their assessment therefore reducing their taxes for the year 2010,

**WHEREAS**, 2010 Taxes were already paid

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer be authorized to issue a check in the amount listed below and to be charged against Tax Appeals.

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT REDUCTION</u>	<u>REFUND</u>
1206	16	250,000	\$3,115.00

Ms. Ana Jimenez  
237 Hidden Pond Path  
Franklin Lakes, NJ 07417

Respectfully submitted,



Sally T. Bleeker, Borough Clerk