

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

A regular meeting of the Mayor and Council was held on May 7, 2013 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional responded to the roll call:

Mayor Bivona, Council President Lota, Councilperson Kahwaty, Councilperson Kelly, Councilperson Lambrix, Councilperson Pedone and Councilperson Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

Borough Clerk Bleeker read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

ORDINANCES FOR FINAL READING

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.

Mr. Smith advised that this ordinance should be tabled until May 21st because he is still waiting for a reply from the attorney for the Northwest Bergen Sewer Authority.

Councilperson Kahwaty made a motion to carry this ordinance until May 21, 2013. Councilperson Kelly seconded the motion. On a voice vote, all in favor, motion approved.

ORDINANCE 1567

**A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS
BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE
COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN
AGGREGATE AMOUNT OF \$1,410,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$910,000
IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES
TO FINANCE PART OF THE COST THEREOF.**

Summary – This ordinance appropriates a total of \$1,410,000 for the following capital projects and purchases: 2013 Road Program, cab and chassis for salt spreader, Groundsmaster mower and snowplow, SCBA bottles for Fire Department, Geographic Information Systems project, Recreation Center parking lot and basketball court improvements (funded with grants and donations), and tables and playground equipment. Of the \$1,410,000, \$500,000 will be funded through the Operating Budget and \$910,000 will be funded with bond anticipation notes.

WHEREAS, an ordinance 1567 was introduced at a meeting of the Mayor and Council held on the 16 day of April, 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 1567 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 by Councilperson Lambrix to consider Ordinance 1567 for adoption. Seconded by Councilperson Kahwaty. Discussion – none. On voice vote, all in favor, motion approved.

The Borough Clerk read the ordinance by title.

Motion by Councilperson Kahwaty to open the public hearing on Ordinance 1567. Seconded by Councilperson Kelly. Discussion – none. On voice vote, all in favor, motion approved.

No one from the public came forward to comment on the ordinance.

Motion by Councilperson Ramsey to close the public hearing on Ordinance 1567. Seconded by Councilperson Kelly. Discussion – none. On a voice vote, all in favor, motion approved.

Resolution introduced by Councilperson Kahwaty Seconded by Councilperson Ramsey. Discussion- none.

Roll Call Vote

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

Nays:

Abstain:

Absent:

Motion Approved

OPEN TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilperson Lambrix, seconded by Councilperson Pedone. Discussion – none.

George Stafford, Wharton, N.J., stated that he is the Outreach Director for the New Jersey Highlands Coalition. He has been travelling to different municipalities that receive water from the Highlands sources. Mr. Stafford explained that there have been changes to the Highlands Council which the Coalition finds disconcerting and include development of raw land. He is asking the Council to pass a resolution stating that the Borough is in favor of the 2004 Highlands Water protection Act as it was passed, as well as the Highlands Master Plan. Mr. Stafford gave a copy of a resolution to the Borough Clerk and asked Councilmembers to consider this endorsement.

No one else from the public came forward and a motion to close the time for public comment was made by Councilperson Pedone. Seconded by Councilperson Ramsey. Discussion – none.

BOROUGH ENGINEER'S REPORT

- **Status Report**

Eileen Boland of Boswell Engineering referred to the Status Report and said that one item that was excluded was that the Borough has received a DOT grant of \$150,000 to pave the Borough owned portion of Summit Avenue. Boswell Engineering is preparing a

Capital Bond Recommendation/Bond Ordinance for \$180,000 which includes a Borough contribution of \$27,000 for engineering design, construction inspection, etc., and \$5,000 for legal costs. Mr. Boswell stated that a culvert in the area of Baker's Long Pond is not being upgraded.

Mr. Hart said that there is money in the bond ordinance that was just passed for coordination with the Oakland Road Program. He recently learned that Oakland will not be proceeding with their portion of the roadwork. He pointed out that the \$50,000 that had been appropriated for the project with Oakland could be used for the work on Summit Avenue. Mr. Boswell reminded the Council that this is the way the work on Old Mill Road and McCoy Road was funded last year and the grant is exclusively for construction. The Borough could only do work on the Franklin Lake portions of Beech Road, Lakeside Road and Roth Road. Mr. Hart will draft a capital ordinance for \$150,000. Mr. Boswell explained that the DOT requires full size plans to review when awarding Local Aid Grants and these plans must be submitted, approved and authorized for bidding.

Councilperson Lambrix asked about the permits for the bridges at the Nature Preserve. Mr. Boswell said that he has spoken to the person who will be installing four docks and this work should be complete within ten days to two weeks. Mr. Boswell said that the DEP's only question concerns the trail that will be cut through the island after the docks are installed. The DEP will be inspecting this trail.

Mr. Hart spoke about the cul de sac on Saddle Back Trail and Ms. Boland said that she refers to it as having a middle cul de sac. A resident has contacted the Borough about the possibility of removing this middle cul de sac because this area is part of this year's road program and it would be the ideal time for its removal. Due to the tight money situation, Ms. Boland suggested that this work be funded by the residents. It would cost \$15,000 to remove the entire cul de sac and Ms. Boland recommended that only one side be done which would bring the cost down to \$5,000 to be funded by the two residents that are affected. Mr. Hart mentioned that Mr. and Mrs. Davis, the residents who want the work to be done will be at the meeting later tonight.

Mayor Bivona spoke about the County installation of the safety grip on Summit Avenue. He added that the "S" curve on Colonial Road has already been marked which indicates the safety grip will be installed on Colonial Road. It will also be paved. Mr. Hart said that as a result of Hurricane Sandy related damage there were some urgent culvert pipe repairs which needed to be done. The DEP has extended the deadline for these repairs for six months. Mr. Boswell recommended that they proceed with this project as it is clearly an emergency and they are securing the certification of funds.

Mr. and Mrs. Davis who are requesting removal of a middle cul de sac on Saddle Back Trail arrived at the meeting. Mr. Hart said that the Council has agreed to remove their portion of the cul de sac, however, the Borough needs to escrow funds based on an estimate of the cost of the work. Mr. and Mrs. Davis agreed to post funds in escrow.

Ms. Boland stated that the road paving will begin on May 13th provided that they receive the go ahead from the Mayor and Council. The contract will be awarded at tonight's meeting. Mr. Hart stated that there is a Hold Harmless Agreement for 993 Clark Road on tonight's agenda. Ms. Boland stated that the Engineering Department has no objection to this agreement which will be prepared by Mr. Smith.

CONSENT AGENDA RESOLUTION 127-13

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 resolution can be found after the Adjournment.

Resolution 128-13 Consent Resolution
Resolution 129-13 Accept Report of Finance Committee

Resolution 130-13	Award Contract – 2013 Road Program
Resolution 131-13	Police Promotion Guidelines
Resolution 132-13	Award Contract – Dam Hydroseeding
Resolution 133-13	Solid Waste Tax
Resolution 134-13	Tonnage Grant
Resolution 135-13	Award Contract Lacrosse Trainers
Resolution 136-13	Award Contract LED Spotlight – 10-75 Emergency Lighting LLC

Resolution introduced by Councilperson Kahwaty, seconded by Councilperson Pedone.
Discussion –None.

Roll Call Vote

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

MAYOR’S REPORT

Mayor Bivona spoke about School Board issues and said that the schools are an important part of our community. He stated that there are nine elected School Board members and the Council has no authority over these officials. The Board of Education has recently made certain personnel decisions which have been met with disfavor by some residents who have expressed their displeasure at Board of Education meetings. Mayor Bivona said that he has been receiving correspondence from residents asking for his involvement. He will get involved when there is the potential of dividing the town and in those cases his sole purpose would be to provide calming influence and to find common ground for the good of the schools and the community without picking sides.

Since last Tuesday’s Board Meeting, Mayor Bivona has been in constant contact with many individuals on multiple occasions. All the Board Members are volunteers who care deeply about the schools who want to do the best for the schools and the town. He encouraged people to reach out to Board Members and he asked everyone to show respect. Although there is still some tension and disagreement, Mayor Bivona feels that it is important to be positive and find common ground. He would like to see the Board work together in a constructive, positive fashion to build confidence. He will continue to try to make things happen with the Board.

Mayor Bivona called on Board of Education Members to move forward and lead the schools. He asked parents to step back from circulating emails and postings and to see what happens at the next School Board Meeting. He reiterated the need to work as a team.

Councilperson Kelly questioned the major issues facing the School Board and Mayor Bivona said that there are disagreements relative to personnel within the K through 8 schools centering on leadership.

COMMITTEE/LIAISON REPORTS

ADMINISTRATION AND FINANCE

Mr. Hart referred to five different pieces of legislation on the agenda that the League of Municipalities has asked the Borough to support or oppose.

Opposing S-2/A-117 – Shared Services Reform

Mr. Hart stated that the League of Municipalities is asking everyone to oppose this bill on Shared Services. This bill would encourage sharing of services and consolidations and it is intended to effect the Local Unit Realignment, Reorganization and Consolidation Committee (LURRAC) which is the body that makes recommendations concerning

shared services. This legislation would allow the state to reduce the amount of state aid to a municipality if they didn't follow the recommendations of the LURRAC Committee. The bill would expand the civil service system and was initially meant to break down some of these barriers. Councilmembers agreed to oppose this bill and have it listed for the May 21st agenda.

Tax Appeal – Cost Sharing Legislation

Mr. Hart reported on new legislation that would share the burden of property assessment tax refunds. At the moment, tax appeal refunds are funded by the municipality and in Franklin Lakes the municipal portion of the budget is only 14.9% of the overall budget. This legislation would require fire districts, school districts and county governments to share in the burden of these refunds. This is supported by the League of Municipalities and Councilmembers agreed with this resolution which will be listed for May 21st. Councilperson Lambrix asked for more information and pointed out that the refunds are still coming from the same tax payer base but Mr. Hart pointed out that this is a more accurate allocation of the taxes. After more discussion, Mr. Hart said that this matter will be listed on the regular agenda rather than the consent agenda.

Workers Compensation Legislation

Mr. Hart stated that the Joint Insurance Fund (JIF) is asking that the Council oppose legislation to enhance worker's compensation benefits for surviving spouses of police officers and fire fighters. Currently, surviving spouses get a benefit which is 3 and a half times the compensation of the deceased employee as opposed to one and a half times for all other municipal employees. The proposed law would allow the widow to receive worker's compensation benefits for life which would increase worker's compensation premiums.

Mr. Hart said that the second bill provides that any cancer death of a public safety worker is compensable. The bill places the burden of proof on the employee to establish that the illness such as cancer, heart attack or hypertension did not occur on the job. This is detrimental to the municipality and the cancer provision alone will add several hundred million dollars annually to N.J. worker's compensation losses and double worker's compensation expenses.

After a short discussion, Councilmembers agreed to oppose both resolutions.

PUBLIC WORKS

Verizon BPPT Bill

Mr. Hart said that this year for the first time, the Borough lost the Business Personal Property Tax (BPPT) paid by Verizon. Verizon was subject to a state tax for the use of the public right of ways and would pay an annual tax of approximately \$31,000. Verizon has interpreted a provision in the statute which suggests that they can withhold or stop payment of the BPPT if other carriers provide dial tone and access to 51% of the local telephone exchange. Verizon has determined that Franklin Lakes has reached that threshold. Mr. Hart stated that this has been challenged in the courts and is still pending. This legislation makes it clear that this BPPT would continue to apply throughout the municipalities supplied by Verizon. Councilmembers indicated their agreement.

Councilperson Ramsey noted that she has signed quite a few vouchers for renovation work done at the DPW building.

ENVIRONMENTAL & COMMUNITY AFFAIRS

Sustainable State Funding Source for Open Space and Farmland Preservation

Mr. Hart stated that Green Acres Fund has run out of money. The League of Municipalities is looking for support through a resolution for Sustainable State Funding for Green Acres. The League supports a consistent, sustainable fund for Green Acres

space purposes. Councilperson Lambrix recommended support of this bill because Green Acres has been supportive of Franklin Lakes over the years. He said that there might be a negative consequence to this and it could be helpful to find out what the unintended consequences might be. He suggested getting more information on the source of the funding. Councilmembers agreed to list this item on the June work session agenda.

Three Year Animal Licensing

Councilperson Pedone said that about 58% of dog owners have paid for licenses according to the dog survey. Very few cat owners have purchased a license for their cat but they are not due until July. Three dogs have been sequestered for rabies which totals eight since last month.

The Council discussed animal licensing for a three year period which would require a three year rabies vaccination. Ms. Bleeker said that many people would find a three year license to be more convenient and the Council agreed. This will be listed for May 21st.

Councilperson Pedone reported on the Ambulance Corps Facility Use Policy and found that there are 256 chairs available in this building. The Fire Department has 120 chairs and the Recreation Department has 60 chairs. Councilperson Kahwaty questioned any usage fees. Mayor Bivona said that unless there is a policy in place, it is difficult to deny the use of the building but he doesn't want to overuse the building. Councilperson Ramsey has talked to the Ambulance Corps Committee and Mr. Hart said that rules and regulations regarding insurance, etc. have been discussed. After a long discussion, Mayor Bivona said that a fee is an important factor and he would like to keep it as low as possible. The Library sets up chairs and charges \$35. If the organization itself sets up the chairs there is no charge for the use of the library. Mayor Bivona commented that insurance and liability coverage is necessary but the Borough doesn't want to make any profit just have any expenses covered.

Ms. Bleeker said that her concern was people using the ambulance corps building who do not live in Franklin Lakes. There is no policy in place and Councilperson Ramsey said that they need to get information on how much is charged at other buildings in surrounding municipalities. Councilperson Pedone recommended one policy for all the buildings in town. Mr. Hart suggested a higher or different fee for groups from out of town or non-resident groups. Councilperson Kahwaty indicated that they consider asking for a donation.

After more discussion, the Council decided to list this for further discussion at the June meeting.

PLANNING & DEVELOPMENT

Hold Harmless Agreement -993 Clark Road

This was discussed earlier this evening.

Deer Fences

Mayor Bivona said that deer fences are high mesh fences with no railings that are difficult to see. Many residents feel that the town is being overrun by deer and there isn't much that can be done. People are asking that deer fences be allowed in the rear of the property that cannot be seen from the street. Councilperson Pedone was concerned that at night emergency service workers would not be able to see these fences and run into them. Councilperson Kahwaty suggested allowing a time limit for the fence of five years. Mayor Bivona said that this is a serious and dangerous problem and Mr. Hart recommended the Hopatcong ordinance which is very simple. He said that several residents are urging that the Borough sanction a hunt, however, this requires State approval. Mayor Bivona said that the Mayor of Midland Park has suggested that the thirteen northwest towns sanction a hunt together. Mr. Hart said he will research how other towns are handling this problem and report back.

Councilperson Kahwaty spoke about the Planning Board and noted the continuing issue of the Sabbah property. The resolution on Temple Emmanuel has been carried to the next meeting.

RECREATION AND PARKS

Oktoberfest Event Management

Councilperson Kelly said that while this time last year there was a lack of enthusiasm and focus relative to Oktoberfest, it is just the opposite this year. He has a positive feeling about this year's event. There is a sense of drive and enthusiasm and the program will be well done and he anticipates that it will be well received. Mayor Bivona said that there is a modest contract from Mary Ellen Mara to coordinate the event.

Mayor Bivona stated that Dina Robinson from the Recreation Committee is putting together a three on three basketball tournament on June 8th. This is part of a wellness program for the Borough.

PUBLIC SAFETY

No Parking on Waterview Drive

Mayor Bivona said that people on Waterview Drive are complaining because visitors to the Reservoir are parking on their street rather than the parking lot. They could consider the option of closing the gate. Mayor Bivona stated that in the future there may be the opportunity for another parking lot. Councilperson Ramsey said that she is concerned with children running around Waterview Drive and Ewing Avenue in 40 mph traffic. Council President Lota said that trucks and vans drop off fishermen on Waterview Drive which is unacceptable. Parking in a residential area and fishing from a bridge are the main concerns of Mayor Bivona. Councilperson Ramsey said that the Ewing Avenue gate should be closed and there should be no fishing from the bridge. Councilperson Kelly pointed out that there is a section to the left with access to the reservoir even if the gate is closed. The fence would have to continue down to the church to be an effective deterrent.

Councilperson Lambrix stressed the importance of enforcing any no parking regulations. More man hours would be needed initially but it should be successful after a period of enforcement. Police Chief Seltenrich said that parking stickers or placards could be issued to residents.

Mayor Bivona stated that the resident who initially brought this problem to his attention indicated that he would get together a petition. Mayor Bivona said that he wanted to discuss this with the Council first before the resident comes to a meeting with a petition. Mayor Bivona would prefer another public entrance into the park. Council President Lota felt that the other residents on the street should be consulted.

Police Chief Seltenrich said that perhaps prohibiting fishing on Ewing Avenue could alleviate the parking problem on Waterview Drive, however, it will probably move parking to the church where they do have no parking signs. Mayor Bivona stated that he will gather additional information from the resident who initially reported this problem and report back to the Council.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Hart stated that earlier this evening he received two memos from the Shade Tree Commission recommending tree removal in excess of what is permitted by ordinance. This is the new process as per the ordinance which allows the Mayor and Council to allow greater tree removal than that which is permitted under the ordinance. He distributed the memo and said that this could be listed on the May 21st agenda.

Mr. Hart was also told late today that replacement tires need to be purchased urgently for the fire trucks. There will be a memorializing resolution ready for the meeting of May

21st but it was too late to have anything prepared for this evening. The cost of the tires is \$8,096 which requires a resolution.

Councilperson Lambrix asked for more detail on the ad hoc committee which is evaluating the County dispatch service. Mr. Hart listed members of the committee who have been working for several years to evaluate the County proposal. The committee met most recently on May 4th and there will be a list available of pros and cons along with a memo from the Police Department, Fire Department and Ambulance Corps containing their summary recommendations. After some discussion, Mr. Hart said that for some time they have been evaluating the County dispatch services as to whether it makes sense and whether it would be cost effective. The County is offering some type of free service but Mayor Bivona feels that there should be a charge for this service. Mr. Hart said that this item will be listed for discussion on the June agenda.

OLD BUSINESS

There was no old business this evening.

NEW BUSINESS

Councilperson Ramsey spoke about several abandoned homes in the Borough and she referred to a recent newspaper article which detailed how different towns deal with the problem. She said that while there aren't many of these homes in Franklin Lakes, this is a problem that should be discussed by the Council. She will distribute copies of the article to Councilmembers. There is an abandoned house on the corner of Colonial and Summit and another on Apple Ridge.

RESOLUTION FOR 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, May 7, 2013 which begins at 7:30 PM, in the Conference Room at the Municipal Building to discuss the following:

Closed meeting issues:

- Litigation – Bruni
- Tax Appeal – Stipulation of Settlement O'Brien
- Tax Appeal – Stipulation of Settlement Keikhosrow
- Personnel – Police Promotions
- Personnel – Police Patrolmen Appointments
- Contractual – Recreation Center
- Anticipated Litigation – Affordable Housing Trust Funds

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 by Councilperson Kahwaty, seconded by Councilperson Pedone at 9:30 P.M. to enter into Closed Session, Discussion – none. On voice vote, all in favor.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays: None
Abstain: None
Absent: None
Motion Approved

Councilmembers returned at 10:47 from closed session.

Councilperson Pedone made a motion to appoint Lynn VerHage to Police Dispatcher at a fifth year salary. Council President Lota seconded the motion.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays: None
Abstain: None
Absent: None
Motion Approved

Councilperson Pedone made a motion to authorize the Police Chief to offer promotions to Detective Pacelli and Detective Jost to Sergeant. Council President Lota seconded the motion.

Roll Call Vote

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone and Ramsey
Nays: None
Abstain: None
Absent: None
Motion Approved

ADJOURNMENT

Motion by Councilperson Lambrix to adjourn the meeting at 10:51 P.M. Councilperson Kelly seconded the motion. On voice vote, all in favor.

Resolution 129-13

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 \$7,228,265.46 as shown on the Claims Bill List; \$ 10,792.00 as shown on the Soil Account Bill List and \$8,235.75 as shown on the Developers Escrow List.

BE IT FURTHER RESOLVED, that the payroll of March 14, 2013 in the amount of \$237,701.03, the payroll of March 28, 2013 in the amount of \$251,289.79, the payroll of April 11, 2013 in the amount of \$228,185.73 and the payroll of April 25, 2013 in the amount of \$244,271.66 be hereby ratified and approved.

Resolution 130-13

Award Contract - 2013 Road Program

WHEREAS, the Borough of Ramsey, as the lead agency of the Northwest Bergen Cooperative Pricing Program, advertised for bids for resurfacing of streets within the Boroughs of Allendale, Glen Rock, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ramsey, Saddle River and Waldwick as well as the Township of Wyckoff and the Village of Ridgewood; and,

WHEREAS, by resolution adopted on April 10, 2013, the Borough of Ramsey awarded the contract for resurfacing of streets to D&L Paving Contractors, Inc., 681 Franklin Avenue, Nutley, New Jersey 07110, for the unit prices as set forth in the bid documents; and,

WHEREAS, the Borough Engineer has recommended the award of a contract for resurfacing of streets in the Borough of Franklin Lakes to D&L Paving Contractors, Inc., for the unit prices set forth in said bid documents, for a total contract award of \$953,314.90;

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 contract for resurfacing of streets be and is hereby awarded to D & L Paving Contractors, Inc., in the amount of \$953,314.90, in accordance with the unit prices set forth in the Northwest Bergen Cooperative Pricing Program bid documents; 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; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to D&L Paving Contractors, Inc., the Borough Engineer, and the Chief Financial Officer.

**Resolution 131-13
Police Promotion Guidelines**

WHEREAS, the Mayor and Council are desirous of approving general guidelines for promotions within the Franklin Lakes Police Department;

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 guidelines for promotions within the Franklin Lakes Police Department be and are hereby approved:

**GUIDELINES FOR THE CONSIDERATION OF CANDIDATES FOR
PROMOTION WITHIN THE FRANKLIN LAKES POLICE DEPARTMENT**

I. Purpose and Objective

The procedures described herein are intended to provide optional guidelines which the Governing Body may use for the fair and impartial selection of the most qualified candidates for promotions within the Franklin Lakes Police Department.

II. Announcement of Possible Promotions

The Governing Body shall initiate the promotional process by notifying the Police Chief of its intention and any required qualifications. The Chief shall thereafter post a notice in a conspicuous location at police headquarters, describing the position, the qualifications required, and instructions for participation by interested eligible officers. The notice shall specify the date by which any interested candidates must respond.

III. Evaluation of Candidates

Once the number of eligible candidates has been determined, the Chief shall notify the Police Committee and the Committee shall advise the Chief how many of the eligible candidates will be interviewed or otherwise considered by the Committee or Governing Body.

Thereafter the Chief shall establish a process by which he will obtain an evaluation of each candidate from all superior officers.

The Chief, after considering these evaluations, shall present to the Committee the number of candidates requested by it who he believes are the best of those qualified to be considered for the promotion. The Chief shall also provide his evaluation, and if requested, the evaluations provided to him by the superior officers, of all

candidates he is presenting to the Committee as qualified to be considered for promotion.

In the event the Chief concludes he cannot recommend as qualified the number requested he shall recommend all those he believes are qualified, with an explanation why there are no other qualified candidates.

IV. Promotion

The Governing Body, after reviewing all of the information presented to it by the Police Committee, and after interviewing any candidates it chooses to interview may select for promotion any qualified candidate, or may reject all candidates.

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

Resolution 132-13

WHEREAS, the Borough of Franklin Lakes received four (4) proposals for Franklin Lakes Nature Preserve Dam Soil Stabilization; 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. Downes Tree Service, 65 Royal Avenue, Hawthorne, NJ 07506 is hereby awarded a contract in the amount of \$9,750.00
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 133-13

CERTIFICATION OF EXPENDITURE FOR SOLID WASTE TAX

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2012 in the amount of \$10,554.06. Documentation supporting this submission is available at

Borough Hall, 480 DeKorte Drive, Franklin Lakes, New Jersey, and shall be maintained for no less than five years from this date.

Resolution 134-13

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a Recycling Act for the year 2012 from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grant to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the regulations impose on municipalities certain requirements as a condition for applying for such tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and Council of the Borough of Franklin Lakes to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough of Franklin Lakes hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard Lilienthal, Assistant Superintendent of the Department of Public Works, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be utilized in the 2013 Budget for purposes of recycling.

Resolution 135-13

Award Contract – Lacrosse Trainers

WHEREAS, the Recreation and Parks Director received three proposals for lacrosse training; and,

WHEREAS, the Recreation and Parks Director recommends that the contract for lacrosse training be awarded to the contractor that submitted the lowest proposal, Musketeer Lacrosse, LLC, P. O. Box 286, Ridgewood, New Jersey 07450, for the proposal amount of \$9,900; and

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 recommendation of the Recreation and Parks Director be accepted and the contract for lacrosse training be and is hereby awarded to Musketeer Lacrosse, LLC, for the proposal amount of \$9,900; 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 RESOLVED that a copy of this resolution be forwarded to Musketeer Lacrosse, LLC, and the Recreation and Parks Director.

Resolution 136-13

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

WHEREAS, the cost for the lights are \$550 each and the Mayor and Council authorized the purchase of two lights, totaling \$1,100, by Resolution 34-13, adopted on January 15, 2013; and,

WHEREAS, the Superintendent of Public Works is desirous of purchasing a third light for an additional \$550; 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 \$550.
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.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk