

**MEETING OF THE MAYOR AND COUNCIL
JULY 16, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, July 16, 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, 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. Absent were Councilmember Kelly and Councilmember Lambrix.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1570

**AN ORDINANCE AMENDING CHAPTER 107 "RECREATION AND
PARKS DEPARTMENT" OF THE CODE OF THE BOROUGH OF
FRANKLIN LAKES TO AMEND CERTAIN PROVISIONS RELATING
TO REPEATED VIOLATIONS OF CODE OF CONDUCT AND TO
REQUIRE RUTGERS UNIVERSITY ATHLETIC SAFETY CERTIFICATION**

Summary: This ordinance will clarify the penalty for repeated violations of the Recreation Code of Conduct and will establish a requirement that coaches be certified through the Rutgers Athletic Safety program.

WHEREAS, an ordinance 1570 was introduced at a meeting of the Mayor and Council held on the 18th day of June, 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 1570 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. 1570 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Ramsey. 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 Councilmember Ramsey. On voice vote, all in favor.

No one from the public came forward at this time.

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

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

Roll Call Vote:

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

APPOINTMENTS

Motion to make the following appointments was made by Councilmember Pedone, seconded by Councilmember Ramsey. Discussion – none.

- Arcari & Iovino – Borough Architects
- Eva DeAngelis – Shade Tree Commission, unexpired term ending 12/31/2013

Roll Call Vote:

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

At this time, Eva DeAngelis was sworn in as a member of the Shade Tree Commission for an unexpired term ending 12/31/2013

OPEN THE TIME FOR PUBLIC COMMENT

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

No one from the public came forward at this time.

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

CONSENT RESOLUTION 187-13

At this time, Councilmember Pedone requested that Resolution to Amend Policy – Purchasing from Employee Entities be pulled from Consent to discuss.

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.

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|-------------------|--|
| Resolution 188-13 | Accept Report of the Finance Committee |
| Resolution 189-13 | Approve Design – Ongoing Public Improvements |
| Resolution 190-13 | Final Approval – Design of Public Improvements |
| Resolution 191-13 | Stipulation of Settlement – Godino |
| Resolution 192-13 | Stipulation of Settlement – Harold |
| Resolution 193-13 | Change Order – 2013 Road Program |
| Resolution 194-13 | Policy on Borough Signs |
| Resolution 195-13 | Professional Service Agreement Borough Architect |
| Resolution 196-13 | Award Contract – ADA Compliant Curbs |
| Resolution 197-13 | Award Contract – Used Truck Cab and Chassis |
| Resolution 198-13 | Amend Borough’s Spending Plan |

Resolution 199-13 Green Acres Enabling Resolution
Resolution 200-13 Stipulation of Settlement – Abrams, Sara Jane
Resolution 201-13 Stipulation of Settlement – Abrams, Paul (Trste)
Resolution 202-13 Tax Assessment Reduction – Brach, Eichler, LLC and Albanese, Anthony & Elisanne

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

Roll Call Vote:

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

Nays:

Abstain: Lota - Resolution 200-13 and Resolution 202-13

Absent: Kelly, Lambrix

Motion Approved.

RESOLUTION

Resolution 203-13

Amend Policy – Purchasing from Employee Entities

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the Borough is hereby prohibited from purchasing goods or services from a Borough employee or member of the Mayor and Council, from a business entity owned by an employee or member of the Mayor and Council, or from a business entity in which an employee or member of the Mayor and Council has an interest; and,

BE IT FURTHER RESOLVED that the Borough is hereby prohibited from purchasing goods or services from volunteers on purchases relating to the department, board, committee or volunteer activities of that volunteer, from a business entity owned by a volunteer on purchases relating to the department, board, committee or volunteer activities of that volunteer, or from a business entity in which a volunteer has an interest on purchases relating to the department, board, committee or volunteer activities of that volunteer; and,

BE IT FINALLY RESOLVED that this policy shall also extend to members of the immediate family of a Borough employee, volunteer, or member of the Mayor and Council.

The revised Resolution was read by Borough Administrator, Greg Hart. Resolution introduced by Councilmember Kahwaty, seconded by Councilmember Pedone. Discussion – Councilmember Pedone wanted to know if volunteers were added, as well, to the Ordinance. The Ordinance was read and it was found that volunteers were included in the Ordinance. Councilmember Pedone questioned why we are including volunteers. He has a hard time with that portion. They have trouble finding volunteers and he was concerned about who it was affecting. Councilmember Kahwaty said that it may not be affecting very many, but Councilmember Pedone felt that if it affected even one volunteer that it affected too many. Not being able to bid on an item because they are a volunteer (receiving no compensation for their time) and then they are excluded from bidding on a Borough contract may be a financial problem for that person. Councilmember Pedone would be in favor of this Resolution if volunteers would be able to bid on contracts if it was not directly involved in their volunteer work. For instance, it would be acceptable to him if a volunteer sports coach bids on an item that the Ambulance Corp. needed.

Council President Lota also agrees with Councilmember Pedone. She believes this is too all encompassing. Councilmember Kahwaty believes that in order to avoid appearance of impropriety that a hard line should be drawn. Council President Lota is afraid that good prospective volunteers may not come out because they would no longer be able to do business with the Borough. Further discussion ensued regarding what other towns were doing. After a consensus, it was decided that volunteers could be able to bid on Borough contracts as long as the item or contract was not directly related to the department, board, committee or volunteer activities of that volunteer.

Roll Call Vote:

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

ACTION ON MINUTES

Motion to accept the minutes was made by Council President Lota and seconded by Councilmember Ramsey:

- June 6, 2013 Worksession
- June 6, 2013 Closed Meeting
- June 18, 2013 Regular Meeting
- June 18, 2013 Closed Meeting

Roll Call Vote:

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

OLD BUSINESS

Purchase of Temple Emanuel Property and Approval of the Borough Spending Plan

Mayor Bivona reported that the Borough Spending Plan was approved. Senator O'Toole and Assemblyman Scott Rumana's offices helped the Borough with that. The Borough is now proceeding with the purchase of the Temple Emanuel Property on McCoy Road.

Background Checks

Councilmember Pedone wanted to know if background checks were permitted on prospective Borough employees. Greg Hart advised that the Borough currently does not perform background checks. The Borough's labor attorney had advised against it. Mayor Bivona is asking that we get clarification from the Borough labor attorney. Greg Hart will follow up and report back.

Recreation Director Interviews

Greg Hart reported that there were 53 applicants for the Recreation Director position and have narrowed it down to 12 applicants. Follow-up interviews are scheduled for next week.

NEW BUSINESS

Vendor Contract

Councilmember Ramsey said that she would like to discuss the issues we are having with a current vendor in closed session.

Wyckoff YMCA Marathon Request

Mayor Bivona advised that a request has been made from the Wyckoff Y to have a ½ marathon in the Borough of Franklin Lakes. He was getting the consensus of the Council. Traffic Officer, Bob Lyon, did convey that some people do get upset due to the traffic disruptions during these types of events, but that the Wyckoff Y does a great job. Mayor Bivona also advised that most of the roads to be used are county roads in the Borough such as Pulis Avenue. This would be the first time the event is run and may become an annual event in the future. The start would be at

the Municipal Building. Mayor Bivona will get more information and explore it further. There were no objections from the Council at this point.

Mayor Bivona also commended Dina Robinson for the 3-on-3 Basketball Tournament which she coordinated.

INTRODUCTION OF ORDINANCES ON FIRST READING

At this time, Greg Hart suggested a revision to Ordinance 1571 to include that no outside organizations would be permitted to have alcoholic beverages if they were charging admission. Outside groups could be permitted to have alcoholic beverages by approval of the Mayor and Council. Further discussions ensued regarding the insurance coverage. Borough Attorney Smith advised that the Borough is covered. Council President Lota asked who was in charge of checking up after someone holds an event. Greg Hart said that no one currently checks up on the rooms now. It was then suggested that a Hold Harmless would be required for a clean-up after an event. Further discussion ensued regarding member use of the Ambulance Corp. building and also member use of the Fire House.

Move to take up consideration of Ordinance 1571, as amended, for Introduction, and direct the Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1571

AN ORDINANCE SUPPLEMENTING CHAPTER 356 “PARKS AND PUBLIC LANDS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO INCLUDE POLICIES ON USE OF BOROUGH BUILDINGS

Summary – This ordinance will establish regulations for use by groups of the Borough Hall, Ambulance Corps and Firehouses.

WHEREAS, Ordinance 1571 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 Ordinance 1571 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1571 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of August 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 Ordinance 1571; 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 Ramsey. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent: Kelly, Lambrix

Motion Approved.

Move to take up consideration of Ordinance 1572, as amended, for Introduction, and direct the Clerk to read by title was made by Councilmember Pedone, seconded by Council President Lota. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1572

A BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF \$217,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$206,150 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

WHEREAS, Ordinance 1572 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 Ordinance 1572 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1572 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of August 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 Ordinance 1572; 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 Pedone. Discussion – none.

Roll Call Vote:

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

Move to take up consideration of Ordinance 1573, as amended, for Introduction, and direct the Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE NO. 1573

AN ORDINANCE AMENDING CHAPTER 157 “ANIMALS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PERMIT THREE YEAR ANIMAL LICENSING

WHEREAS, Ordinance 1573 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 Ordinance 1573 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1573 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 20th day of August 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 Ordinance 1573; 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 Council President Lota. Discussion – Councilmember Pedone asked if this makes the cat and dog license renewals due at the same time. Greg Hart advised that it does not.

Roll Call Vote:

Ayes: Kahwaty, Lota, Pedone, Ramsey
Nays:
Abstain:
Absent: Kelly, Lambrix
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, July 16, 2013 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issue:

- Contractual – Cleaning Services Contract

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 Pedone. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made at 8:50 by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

Resolution 188-13 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 \$316,649.79 as shown on the Claims Bill List; \$1,012.50 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 189-13 Approve Design – Ongoing Public Improvements

WHEREAS, the Borough of Franklin Lakes has undertaken construction of public improvements within the municipality which are commonly referred to as:

<u>PROJECT</u>	<u>LOCATION</u>
Millage and Paving a Portion of Summit Avenue	As described in contract
2013 Road Improvements	As described in contract

Recreation Center Parking Lot/Basketball Court Improvements	As described in contract
Two Franklin Lakes Nature Preserve Bridges	As described in contract
Accessible Trails Franklin Lakes Nature Preserve	As described in contract

WHEREAS, the municipality has caused plans or designs for the aforementioned improvements to be prepared; and

WHEREAS, the governing body has reviewed the aforementioned plans or designs and exercised its judgment and/or approved the judgments of other as represented by the plans,

NOW THEREFORE, BE IT RESOLVED that the governing body of the Borough of Franklin Lakes does hereby approve the plans of the improvements referred to above; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be placed in the permanent project file together with one copy of the plans referred to above with a notation referring to the resolution of approval placed thereon.

Resolution 190-13 Final Approval – Design of Public Improvements

WHEREAS, the Borough of Franklin Lakes has undertaken an improvement of public improvements within the municipality which are commonly referred to as:

<u>PROJECT</u>	<u>LOCATION</u>
Repair/Replacement Firehouse Roofs	As described in contract
Repaving McCoy Road	As described in contract
DPW Sleeping Quarters	As described in contract
2010 Road Improvements	As described in contract
2011 Road Improvements	As described in contract
2012 Road Improvements	As described in contract
2012 Drainage Improvements	As described in contract
2011 Forest Glen Drainage Improvements	As described in contract
2010 Indian Trail Drive Drainage Improvements	As described in contract
Ambulance Corps Generator purchase and Installation	As described in contract

WHEREAS, the plans and designs for said improvements were previously approved by the governing body; and

WHEREAS, the projects have now been completed; and

WHEREAS, during the construction of these improvements various changes to the original plans or designs have been made with the knowledge and approval of the governing body,

NOW THEREFORE BE IT RESOLVED, that the governing body of the Borough of Franklin Lakes hereby formally approves the final “as built” plans of the improvement referred to above, to the extent that such plans have been prepared; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the plans referred to above with a notation referring to the Resolution of Approval place thereon, to the extent that such plans exist.

Resolution 191-13 Stipulation of Settlement – Godino

WHEREAS, an appeal of the tax assessment for the years 2010, 2011, 2012, and 2013 has been filed for the following property; and

Block: 1201.02
Lot: 7
Street Address: 302 Rose Court
Owner: John and Melinda Godino

WHEREAS, an adjustment in the assessed value of the above property has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment will cause the assessment to reflect the actual fair market value of said property as reflected by comparable sales; and therefore

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 637,000	\$ 637,000
Improvements	\$ 981,500	\$ 763,000
Total	\$1,618,500	\$1,400,000

Tax Year: 2011
Tax Year: 2012
Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 637,000	\$ 637,000
Improvements	\$ 830,500	\$ 763,000
Total	\$1,467,500	\$1,400,000

Resolution 192-13 Stipulation of Settlement – Harold

WHEREAS, an appeal of the tax assessment for the year 2012 has been filed for the following property; and

Block: 1301
Lot: 1.02
Street Address: 738 McCoy Road
Owner: Gregory and Melanie Harold

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

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the year 2012, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 481,000	\$ 481,000
Improvements	\$ 643,700	\$ 598,000
Total	\$1,124,700	\$ 990,000

Resolution 193-13 Change Order – 2013 Road Program

WHEREAS, by Resolution adopted on May 8, 2013, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$953,314.90 to D&L Paving Contractors,

681 Franklin Avenue, Nutley, New Jersey, hereinafter referred to as “the Contractor”, for the Borough’s 2013 Road Program; and,

WHEREAS, the Borough Engineer has submitted Change Order #1, which decreases the amount of the contract by \$4,299.27 for an amended contract amount of \$949,015.63, which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #1 is hereby authorized and approved for the 2013 Road Program, for a contract decrease of \$4,299.27, for a revised contract amount of \$949,015.63; and,

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

Resolution 194-13 Policy on Borough Signs

WHEREAS, the Mayor and Council are desirous of adopting a policy for placement of signs by the Borough and its departments, emergency service volunteers, boards and committees;

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 placement of signs by the Borough and its departments, emergency service volunteers, boards and committees shall meet the following requirements:

- No signs shall be placed at the following locations:
- No signs shall be placed on McBride Field at the Circle corner (corner of High Mountain and Franklin Lake Road); and,
- No signs shall be placed at the corner of Franklin Avenue and Pulis Avenue.
- Signs shall only be placed at the following locations:
- On Pulis Avenue, at the entrance to the Pulis Avenue Rec Complex;
- On Franklin Avenue, in the Flag Park;
- On Franklin Lake Road, at a location to be determined on McBride Field; and,
- On DeKorte Drive, in front of Borough Hall.
- Signs shall be permitted for the following purposes:
- Promote events;
- Promote Borough programs;
- Seek volunteers; and
- Advertise registration or licensing dates.
- Signs shall be no larger than typical “sandwich board” or A-Frame signs – approx. 6 square feet in area.
- Messages shall be kept simple, with large letters, so that drivers can see message.
- Emergency management signs may be posted during emergencies in locations as may be determined necessary by the Emergency Management Coordinator.
- Signs shall be put up for such periods as may be necessary for the purpose intended, to a maximum of one month.
- Signs shall be removed immediately following the conclusion of the event or purpose for which it is intended.
- All signs shall comply with these requirements except as may be approved by resolution of the Mayor and Council.

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to all Borough departments, the Fire Department, and the Ambulance Corps.

Resolution 195-13 Professional Service Agreement Borough Architect

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Borough Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated contract will expire December 31, 2013; and

WHEREAS, Arcari & Iovino Architects, PC has submitted a proposal dated July 1, 2013 indicating they will provide Architectural Services as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

WHEREAS, Arcari & Iovino Architects, PC has completed and submitted a Business Entity Disclosure Certification which certifies that Arcari & Iovino Architects, PC has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Arcari & Iovino Architects, PC from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes authorizes the Borough Administrator to enter into a contract with Arcari & Iovino Architects, PC as described herein; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

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

Resolution 196-13 Award Contract – ADA Compliant Curbs

WHEREAS, the Borough has entered into agreements with the County of Bergen under the County's Cooperative Curb Ramp Construction Grant Program and the County's Cooperative Engineering Design program, whereby the Borough can enter into a contract with a vendor contracted by the County to install ADA compliant curbs, Concrete Construction Corporation, and then the County will reimburse the Borough for construction costs in connection with the installation of the ADA compliant curbs; and,

WHEREAS, the Borough Engineer has identified 52 locations that require ADA compliant curbs located on or adjacent to Franklin Avenue; and,

WHEREAS, the County of Bergen will reimburse the Borough for constructions costs for the ADA compliant curbs up to \$2,000 per location;

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, in accordance with the County's Cooperative Curb Ramp Construction Grant Program, a contract is hereby awarded for the construction of ADA compliant curbs to Concrete Construction Corporation, for 52 locations, at the rate of \$2,000 per location, for a total of \$104,000; subject to reimbursement of all expenses by the County of Bergen; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Concrete Construction Corporation, the Bergen County Department of Public Works, the Borough Engineer and the Chief Financial Officer.

Resolution 197-13 Award Contract – Used Truck Cab and Chassis

WHEREAS, the Borough of Franklin Lakes received one (1) bid for used truck cab and chassis - 2005 or newer (50,000 miles or less)

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

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

1. Coast Cities Equipment Sales Inc, 1201 Hwy #35 S, Neptune, NJ 07753 is hereby awarded a contract in the amount of \$49,985.00
2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchase

authorized in this resolution as an express and mandatory condition of the award of this contract

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

Resolution 198-13 Amend Borough's Spending Plan

WHEREAS, the Borough of Franklin Lakes, pursuant to various statutes, court decisions, and regulations established by the Council on affordable housing, has an obligation to provide a reasonable opportunity for the construction of affordable housing; and

WHEREAS, pursuant to N.J.S.A. 52:27D-329 et seq., the Borough has imposed development fees on construction within the Borough, and holds those fees in a trust account dedicated to the construction of affordable housing; and

WHEREAS, pursuant to Resolution of the Governing Body 154-12, \$2,000,000 of the funds in this account have been committed to purchase property on Mc Coy Road in the Borough of Franklin Lakes designated as Block 1406, Lots 1, 2, and 2.01, and Block 1408, Lot 1; and

WHEREAS, pursuant to N.J.A.C. 5:97-8.1(b) and N.J.A.C. 5:96-5.3, the Borough may not expend these funds without COAH's approval of a Spending Plan; and

WHEREAS, by Resolution dated July 3, 2013, COAH has approved the Borough's Spending Plan and has authorized the use of the development fees for the purchase of the Mc Coy Road property; and therefore it is hereby

RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the Borough proceed with the purchase of the Mc Coy Road property utilizing the affordable housing trust funds as described in the Spending Plan approved by the Council on Affordable Housing in its resolution of July 3, 2013, and the Mayor and the Borough Clerk are hereby authorized to execute any documents necessary for said purchase.

Resolution 199-13 Green Acres Enabling Resolution

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Borough of Franklin Lakes desires to further the public interest by obtaining funding in the amount of \$2,750,000 from the State to fund the following project:

0220-02-055 Haledon Reservoir Acquisition

WHEREAS, the State and the Borough of Franklin Lakes intend to increase Green Acres funding by \$230,250; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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 Mayor is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as Haledon Reservoir Acquisition; and,

BE IT FURTHER RESOLVED that the applicant has its matching share of the project, if a match is required, in the amount of \$2,980,250; and,

BE IT FURTHER RESOLVED that, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,

BE IT FURTHER RESOLVED that the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Resolution 200-13 Stipulation of Settlement – Abrams, Sara Jane

WHEREAS, an appeal of the tax assessment for the years 2010, 2011, 2012, and 2013 has been filed for the following property; and

Block: 2602.09
Lot: 8
Street Address: 232 Green Ridge Road
Owner: Abrams, Sara Jane

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

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,306,300	\$1,306,300
Improvements	\$ 401,400	\$ 368,700
Total	\$1,707,700	\$1,675,000

Tax Year: 2011

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,306,300	\$1,306,300
Improvements	\$ 288,700	\$ 288,700
Total	\$1,595,000	\$1,595,000

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,306,300	\$1,306,300
Improvements	\$ 288,700	\$ 208,900
Total	\$1,595,000	\$1,515,200

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,306,300	\$1,306,300
Improvements	\$ 288,700	\$ 208,900
Total	\$1,595,000	\$1,515,200

Resolution 201-13 Stipulation of Settlement – Abrams, Paul (Trste)

WHEREAS, an appeal of the tax assessment for the years 2010, 2011, 2012, and 2013 has been filed for the following property; and

Block: 2602.04
Lot: 4
Street Address: 945 Loch Road
Owner: Abrams, Paul (Trste)

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

IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the tax assessment for the above-referenced property is hereby adjusted for the following years, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments.

Tax Year: 2010

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,102,000	\$1,102,000
Improvements	\$ 692,400	\$ 585,800
Total	\$1,794,400	\$1,687,800

Tax Year: 2011

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,102,000	\$1,102,000
Improvements	\$ 479,200	\$ 479,200
Total	\$1,581,200	\$1,581,200

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,102,000	\$1,102,000
Improvements	\$ 479,200	\$ 400,000
Total	\$1,581,200	\$1,502,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,102,000	\$1,102,000
Improvements	\$ 479,200	\$ 400,000
Total	\$1,581,200	\$1,502,000

Resolution 202-13 Tax Assessment Reduction – Brach, Eichler, LLC and Albanese, Anthony & Elisanne

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>
2304.03	4	\$1,401,700.00	\$1,837.85

Brach, Eichler, LLC and Albanese, Anthony J. & Elisanne
101 Eisenhower Parkway
Roseland, NJ 07068

Respectfully submitted,



Sally T. Bleeker, Borough Clerk