

**MEETING OF THE MAYOR AND COUNCIL
AUGUST 20, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, August 20, 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, 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 was Councilmember Lambrix.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Motion to make the following appointments was made by Council President Lota, seconded by Councilmember Kahwaty. Discussion – none.

- John Halbach – Franklin Lakes Volunteer Fire Department
- Patrolman Denny Knubel - Traffic Officer

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

PROCLAMATION

HONORING SERGEANT WILLIAM COOK

WHEREAS, Sergeant William Cook is retiring from the Franklin Lakes Police Department effective September 1, 2013; and,

WHEREAS, Sergeant Cook served dutifully and with distinction with the Police Department for over 25 years, having been appointed to the Department on August 10, 1988; and,

WHEREAS, in recognition of his years of exceptional service, then-Patrolman Cook was promoted to the position of Sergeant on September 21, 2011; and,

WHEREAS, during his career with the Police Department, Sergeant Cook acted in a number of capacities, including the following:

- Patrol squad supervisor;
- Departmental Honor Guard commander;
- Supervising firearms instructor;
- Active shooter training instructor;
- Schools safety committee member; and

- Departmental armorer;

WHEREAS, Sergeant Cook was also primarily responsible, over a number of years, for the development and modernization of the Department’s firearms training program; and,

WHEREAS, Sergeant Cook was the recipient of two Mayor and Council commendations for exceptional service and six PBA citations during his career, including apprehension and lifesaving awards; and,

WHEREAS, Sergeant Cook was known to all as a dedicated and loyal police officer;

NOW THEREFORE, I, FRANK BIVONA, Mayor of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, on behalf of the Mayor and Council and our residents, wish Sergeant William Cook and his family good health and happiness, and do hereby honor and commend Sergeant Cook for his many years of outstanding service to the Franklin Lakes community.

IN WITNESS HEREOF, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 20th day of August, 2013.

ORDINANCES FOR FINAL READING AND ADOPTION

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, an ordinance 1571 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 1571 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 Kahway to take up Ordinance No. 1571 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 Kelly. On voice vote, all in favor.

Jane Pullaro – 886 Iron Latch Road, Franklin Lakes and from the Woman’s Club came forward voicing her concern in regards to the \$50.00 fee for using the Ambulance Corps building. She spoke of the Woman’s Club making donations to the Ambulance Corps. during their major renovations. She listed the Club’s purpose and the charities that they donate to as well. She is asking that the \$50.00 fee be waived for the Woman’s Club.

Elaine Heimberger – 959 Dogwood Trail, Franklin Lakes of the Valley Hospital Auxiliary and Nancy Davidson – Hilltop Terrace, who is co-chair of the Valley Hospital Auxiliary both came forward to voice their concerns in regards to the \$50.00 fee for using the Ambulance Corps building. They explained that they have 97 members and that the fee should not apply to 501c

organizations. Mrs. Davidson listed the many fees that the Valley Hospital Auxiliary already must pay. She explained that they do meet about 9 times a year at the building and about 30 of their 97 members show up.

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 Ramsey. Discussion – Councilmember Pedone suggested that the fee not be enforced on Franklin Lakes’ organizations whether they are charitable or not.

Councilmember Kahwaty suggested that charitable organizations principally based in Franklin Lakes not be charged the \$50.00 user fee. Council President Lota and Councilmember Kelly agreed.

Mayor Bivona was concerned with the increase in usage over the years and the groups are larger now. The sewers are now a concern, as well as, parking. The building was built for emergency purpose. He said that we do charge user fees in Franklin Lakes for other things, which is no different to any other municipality. He used inspections fees and recreation fees as examples. The Borough’s fee revenue per year is about \$800,000. If we did not charge user fee and instead spread the costs to all tax payers there would be an approximate 8% spike in taxes. Mayor Bivona does support the charitable exemption. The reason the Borough charges fees is so that the users pay and not the tax payers.

After further discussion it was decided to amend the Ordinance to exclude charitable organizations from the \$50.00 user fee. Greg suggested that we carry the Ordinance to September 3rd in order to make the changes.

Motion to carry Ordinance 1571 to September 3, 2013 was made by Councilmember Pedone, seconded by Councilmember Ramsey.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

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.

Summary – This ordinance will appropriate funding for culvert repairs, engineering fees for sewer plans and specifications, primitive trail path and first phase of handicapped accessible trail at Franklin Lakes Nature Preserve.

WHEREAS, an ordinance 1572 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 1572 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. 1572 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 Pedone, seconded by Council President Lota. On voice vote, all in favor.

Joe Kroth – Horizons Apartments, Franklin Lakes. He came forward to ask what the interest rate was on the bond. Greg Hart, Borough Administrator, said we have not borrowed the money as of yet, but said the rate for a short-term bond was around .35 percent.

Motion to close the hearing to the public was made by Councilmember Pedone, seconded by Councilmember Kahwaty. 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, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

ORDINANCE 1573

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

Summary – This ordinance will allow for three year dog licenses and establish a late fee for cat licenses.

WHEREAS, an ordinance 1573 was introduced at a meeting of the Mayor and Council held on the 16th day of July, 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 1573 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. 1573 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 Kelly, seconded by Councilmember Pedone. 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 Pedone, seconded by Councilmember Kahwaty. 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, Lota, Pedone, Ramsey

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

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

Veronica Gringeri – Horizons Apartments, Franklin Lakes. Mrs. Gringeri came forward and read a letter which asked the Mayor and Council to consider a Ordinance that would cap per month rent increases at 2%. She advised the Council of the rent increases and recent sewer charges.

Mayor Bivona said that the Council has just received this letter and have not had enough time to research the matter. They need time to understand rent control laws and obtain a better sense of the increases. He asked Mrs. Gringeri for more information regarding the rent increases. Mrs. Gringeri said the increases are very arbitrary and are driving many seniors out of the area.

Sandy Marks – Horizons Apartments, Franklin Lakes. Mr. Marks said that the management will lower the rents to get people in the door and then after the 1 year lease is over they increase rent. Then to add insult to injury they include a sewer fee.

Constance Russell – Horizons Apartments, Franklin Lakes. Mrs. Russell came forward saying that her rent was raised by 40% in over 4 years. Management claims that market value is driving up the increases. In just one of those years her rent was raised by 25%. She thinks this is unfair and that the residents are being treated unfairly. She has to move because of the cost. She is being driven out.

Allison Fildes – Horizons Apartments, Franklin Lakes. Mrs. Fildes came forward saying that she had been given two, 2-year leases and at both times the rent increase percentages were disclosed. Since then she has only been able to get 1 year leases now.

Robert Hausler – Horizons Apartments, Franklin Lakes. Mr. Hausler came forward to discuss the sewer fees. Mayor Bivona advised that the sewer charges are not controlled by the Borough.

Joe Kroth – Horizons Apartments, Franklin Lakes. Mr. Kroth came forward to also talk about the sewer charges as well. He thought the charges would be based on usage. He has a 2 bedroom, 2 bathroom unit, with the 2nd bathroom not being used. He does not understand how the sewer fees are being charged.

Robert Hausler – Horizons Apartments, Franklin Lakes. Mr. Hausler said that the sewer company charges per square foot. He does not agree with this. Mayor Bivona explained that is the way many sewer companies typically charge.

Bob Gordon – Horizons Apartments, Franklin Lakes. Mr. Gordon wanted to know what the Council is proposing to do for their residents.

Mayor Bivona explained that the Borough needs to do more research and legal work to understand the situation better. They would have to completely understand what the Borough would be getting into. The Mayor said that it is too soon to say what the Borough will be able to do at this point. The Council has just received their letter and has not had the time to do the proper research.

Councilmember Ramsey advised that this is new territory for the Council and more information is needed. She wants the senior population to be able to stay in Franklin Lakes.

Cecile – Horizons Apartments, Franklin Lakes. She told the Council that during Hurricane Sandy there was no power in the building. The building has no generator and she was wondering if the town would be able to order management to install them. Many residents are disabled and would not be able to evacuate the building in an emergency.

Mayor Bivona advised her that the Borough has been continually working with Horizons management on that issue. They have urged them to get a generator. The Borough is trying to compel them to do this by using the Borough Ordinances and State Statutes.

Borough Administrator, Greg Hart advised that they are meeting with Horizons next week to discuss this further.

Benita Samuels – Horizons Apartments, Franklin Lakes. The only experience she has ever had with Horizons is with a manager who has no decision making abilities. She wanted to know who the Borough was meeting with. Mr. Hart explained that the Borough is in contact with Horizon's attorney and the headquarters in King of Prussia, Pennsylvania.

Barbara Conway – Horizons Apartments, Franklin Lakes. Mrs. Conway wanted to remind them that there are other complexes that are coming into the Borough. They should keep this in mind when thinking about any future rent control Ordinances.

Mayor Bivona explained that we don't manage the buildings or control them in any way.

Constance Russell – Horizons Apartments, Franklin Lakes. Mrs. Russell came forward inquiring about the time frame as to when the Mayor and Council will be able to tell them if an Ordinance will be created. Mayor Bivona explained that he cannot give them a time frame at this point. This is not a simple Ordinance that can just be put into place. Mrs. Russell wanted a ballpark time frame. Mayor Bivona explained that he just cannot give her that as their letter was received 6 days ago. Mrs. Russell wanted to know what they can do to help at this point. Mayor Bivona advised that they need to collect more figures. He does not want individual names. He just needs a sense of the increases.

Lucille Meola – Horizons Apartments, Franklin Lakes. Mrs. Meola said that there is another problem with the traffic that comes through the complex. People come through in the morning to avoid the light on Franklin Avenue. She was wondering if speed bumps could be installed to slow these people down.

Laurie Hersh – Horizons Apartments, Franklin Lakes. Mrs. Hersh explained that at one point they were all homeowners at one time. Many of them have lost a spouse and now need to live closer to their children. It's very disturbing to be faced with these large increases. They don't know where to go and they cannot buy a house and have another burden. They are asking for the Council's help. At some point they (council) will all be 55+ and may find themselves in the same position.

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

CONSENT RESOLUTION 212-13

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.

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|-------------------|---|
| Resolution 213-13 | Accept Report of the Finance Committee |
| Resolution 214-13 | Stipulation of Settlement – Steliga |
| Resolution 215-13 | Performance Bond Reduction – Mill Brook Estates |
| Resolution 216-13 | Award Contract Summit Avenue Improvements |
| Resolution 217-13 | Assignment of Developers Agreement – RCP Birch |

Resolution 218-13 Hold Harmless Agreement – 760 Peach Tree
 Resolution 219-13 Designation of Bergen County Community Development Representatives
 Resolution 220-13 Designation of Bergen County Open Space Representatives
 Resolution 221-13 Authorize Mayor and Clerk to sign agreement with Rockland Electric Company - GIS System
 Resolution 222-13 Chapter 159 Click it or Ticket
 Resolution 223-13 Support for the Goals and Purposes of the 2004 Highlands Water Protection and Planning Act
 Resolution 224-13 Award Contract – Police Laptops
 Resolution 225-13 Accept 2012 Audit Report
 Resolution 226-13 Accept and Approve 2012 Audit Report Corrective Action Plan

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

Roll Call Vote:

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

ACTION ON MINUTES

Motion to accept the minutes was made by Councilmember Pedone and seconded by Councilmember Kelly:

- July 2, 2013 Work Session Meeting
- July 2, 2013 Closed Meeting I
- July 2, 2013 Closed Meeting II
- July 16, 2013 Regular Meeting
- July 16, 2013 Closed Meeting
- July 23, 2013 Special Meeting
- July 23, 2013 Closed Meeting

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lota (with exceptions), Pedone, Ramsey
 Nays:
 Abstain: Lota – July 2, 2013 Work Session, Closed Meeting I, Closed Meeting II
 Absent: Lambrix
 Motion Approved.

OLD BUSINESS

High Mountain Road Circle Survey

There were 900 responses from the Circle Survey. Many responses had constructive, but positive, criticism. It would appear that the circle will stay for now, but that improvements can be made. They will review this with the traffic officer too.

NEW BUSINESS

Retirement of Patrolman Smith

Chief Seltenrich has advised Council President Lota of Patrolman Smith’s intention to retire. He has filed his paperwork. The Chief would like to begin advertising for the position. Mayor Bivona asked if we had to do this again since we just did this. Greg Hart advised that we do have to re-advertise in order to get the best candidate.

Facilities Use Permit – English Pro Soccer

Greg Hart said that English Pro Soccer is requesting to run a program for 2nd – 5th grade children on Pulis Avenue Field on Monday and Wednesday mornings. Kathy Furman, the Assistant Recreation Director said that we can accommodate them those days. The second request is for Saturday or Sundays on Muni-fields. Mrs. Furman recommends not allowing the Saturday or Sunday request because the fields need to rest. If we granted this request the Muni-Fields would be fully used all the time.

Mayor Bivona said that we need to serve the residents first.

Facilities Use Permit – Ramapo Youth Soccer Tournament

Greg Hart advised that Ramapo Youth Soccer Tournament is requesting to use the Pulis Avenue Field and Muni-Field for a soccer tournament from August 31st, September 1st and September 2nd. The organization has been doing this for 8 years. It will run from 8 a.m. to 9 p.m. with over 1,000 participants.

CLOSED SESSION

Motion to go into Closed Session was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

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, August 20, 2013 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Assistant Recreation Director

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.

ADJOURNMENT

Motion to adjourn the meeting was made at 9:15 by Councilmember Kahwaty, seconded by Councilmember Pedone. On voice vote, all in favor.

Resolution 213-13 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 \$820,492.71 as shown on the Claims Bill List; \$0.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 214-13 Stipulation of Settlement – Steliga

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

Block: 1404
Lot: 11.02
Street Address: 568 Commerce Street
Owner: Joseph Steliga

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 – Withdrawn

Tax Year: 2011

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,191,000	\$1,191,000
Improvements	\$1,587,700	\$1,456,300
Total	\$2,778,700	\$2,647,300

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,191,000	\$1,191,000
Improvements	\$1,587,700	\$1,209,000
Total	\$2,778,700	\$2,400,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,191,000	\$1,191,000
Improvements	\$1,587,700	\$1,209,000
Total	\$2,778,700	\$2,400,000

Resolution 215-13 Performance Bond Reduction – Mill Brook Estates

WHEREAS, Mill Brook Estates, 64-66 Birch Road, Franklin Lakes, New Jersey, has requested a reduction in the amount of the performance bond posted for their project; and,

WHEREAS, the Borough Engineer, in a letter dated July 29, 2013, advises that the performance bond may be reduced to \$412,200 in accordance with N.J.S.A. 40:55D-53(e)(1); and,

WHEREAS, the Borough Engineer has indicated that retaining a performance bond in said amount shall be sufficient to secure the completion of remaining improvements; and,

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 recommendation of the Borough Engineer is hereby accepted and therefore the performance bond posted by Mill Brook Estates may be reduced to \$412,200; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to Mill Brook Estates, the Borough Engineer, and the Planning Board.

Resolution 216-13 Award Contract Summit Avenue Improvements

WHEREAS, the Borough of Franklin Lakes advertised for and opened bids on August 2, 2013 for the Improvements to Summit Avenue; and

WHEREAS, the Mayor and Council wish to award this contract to the lowest responsible bidder; and

WHEREAS, six (6) companies submitted a bid for the Improvements to Summit Avenue; and

WHEREAS, the Borough Engineer has reviewed the bids 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. Tilcon NY, Inc., 625 Mount Hope Road, Wharton, New Jersey 07885, is hereby awarded the contract for the Improvements to Summit Avenue for the total bid amount of \$134,545.50 in accordance with the bid specifications.
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 217-13 Assignment of Developers Agreement – RCP Birch

WHEREAS, RCP Birch Road L.L.C., the developer of the Millbrook Estates subdivision, has requested the Borough's consent to the assignment of their rights under the approvals and the Developer's Agreement for the Millbrook Estates subdivision to Millbrook Development, Inc.; and,

WHEREAS, the Planning Board has recommended that the Mayor and Council approve the Assignment of Developer's Agreement and Consent to Assignment of Developer's Agreement for the Millbrook Estates subdivision in the form as prepared by Planning Board Attorney John Spizziri, Esq.;

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 and Borough Clerk are hereby authorized and directed to sign the Assignment of Developer's Agreement and Consent to Assignment of Developer's Agreement for the Millbrook Estates subdivision in the form as prepared by Planning Board Attorney; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to RCP Birch Road, LLC, Millbrook Development, Inc., the Planning Board and the Planning Board Attorney.

Resolution 218-13 Hold Harmless Agreement – 760 Peach Tree

WHEREAS, Kevin Boswell, owner of Block 2304.07, Lot 10, in the Borough of a Franklin Lakes, has applied for permission to tie existing roof leaders drains to the Boroughs storm system located on Peach Tree Lane adjacent to the property; and

WHEREAS, the Construction Official recommends that a Hold Harmless Agreement be executed as a condition of the grant of permission;

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

Resolution 219-13 Designation of Bergen County Community Development Representatives

WHEREAS, the Borough of Franklin Lakes is required to appoint representatives for the Bergen County Community Development Committee;

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 Gregory Hart, Borough Administrator is appointed as the Mayor's representative to the Bergen County Community Development Committee for a one-year term July 1, 2013 through June 30, 2014 and that Mayor Frank Bivona is appointed as the Mayor's alternate representative for the same period; and,

BE IT FURTHER RESOLVED that Councilwoman Paulette Ramsey is appointed as the governing body's representative to the Bergen County Community Development Committee for a one-year term July 1, 2013 through June 30, 2014 and that Councilman Charles Kahwaty is appointed as the governing body's alternate representative for the same period; and,

BE IT FINALLY RESOLVED, that Borough Administrator Gregory C. Hart is authorized to sign all vouchers for Community Development projects for the term July 1, 2013 through June 30, 2014.

Resolution 220-13 Designation of Bergen County Open Space Representatives

WHEREAS, the Borough of Franklin Lakes has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act, N.J.S.A. 40A:8A-1 et seq., to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Municipal Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2013 through June 30, 2014;

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 Borough Administrator Gregory C. Hart is hereby appointed as representative and Mayor Frank Bivona is hereby appointed as its alternate representative to participate on the Open Space Trust Regional Committee.

Resolution 221-13 Authorize Mayor and Clerk to sign agreement with Rockland Electric Company - GIS System

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to execute an agreement with Rockland Electric Company (RECO) which authorizes RECO to provide the Borough with data on the location of its utility poles and other equipment for the Borough's Geographic Information System.

Resolution 222-13 Chapter 159 Click it or Ticket

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes has received a \$3,936.56, 2013 Click It or Ticket Grant and wishes to amend its 2013 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local

Government Services to approve the insertion of an item of revenue in the 2013 Budget in the sum of \$3,936.56 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2013 Click It or Ticket Grant	\$3,936.56

BE IT FURTHER RESOLVED that a sum of \$3,936.56 and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":	
Public and Private Programs Offset by Revenues:	
2013 Click It or Ticket Grant	\$3,936.56

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 223-13 Support for the Goals and Purposes of the 2004 Highlands Water Protection and Planning Act

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources and

WHEREAS, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

WHEREAS, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process.

WHEREAS, the Borough of Franklin Lakes is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that the Borough of Franklin Lakes relies on the resources of the Highlands to meet the current and future needs of its residents.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Franklin lakes wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

Resolution 224-13 Award Contract – Police Laptops

WHEREAS, the Borough of Franklin Lakes wishes to purchase 4 Panasonic Tough Book mobile laptop computers, 4 Panasonic 4 GRam Upgrades and 4 Panasonic Protection Plus to be used in Franklin Lakes Police vehicles from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A 40A:11-12; and

WHEREAS, GTBM 351 Paterson Avenue, East Rutherford NJ 07073 has been awarded New Jersey State Contract number M-0483/75583 for Panasonic TB 31, Panasonic 4G Ram Upgrade and Panasonic Protection Plus, with an expiration date of August 31, 2014; and

WHEREAS, the Police Chief and Borough Administrator recommend the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the purchase of 4 Panasonic Tough Book mobile laptops, Panasonic 4 G Ram Upgrade and Panasonic Protection Plus is \$16,408.32; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that 4 Panasonic Tough Book mobile laptops, 4 Panasonic 4G Ram Upgrade and 4 Panasonic Protection Plus be purchased from GTBM 351 Paterson Avenue, East Rutherford NJ 07073

Resolution 225-13 Accept 2012 Audit Report

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 226-13 Accept and Approve 2012 Audit Report Corrective Action Plan

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, accepts and approves the corrective action plan for the 2012 audit as submitted by the Chief Financial Officer, and that a certified copy of this resolution and a copy of the corrective action plan be submitted to the Division of Local Government Services by the Borough Clerk.

Respectfully submitted,

Sally T. Bleeker

Sally T. Bleeker, Borough Clerk