

**MEETING OF THE MAYOR AND COUNCIL
OCTOBER 15, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, October 15, 2013 in the Municipal Building.

MEETING CALLED TO ORDER

ROLL CALL

The following Council Members and Professional Staff responded to the roll call: Mayor Bivona, Councilmember Kahwaty, Councilmember Kelly, Councilmember Lambrix, Council President Lota and Councilmember Pedone. Also present were Borough Administrator Greg Hart, Borough Attorney William T. Smith and Borough Clerk Sally Bleeker. Absent was Councilmember Ramsey.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PRESENTATION

Lions Club Donation

Mr. Luyke of the Wyckoff Lions Club and Mr. Cowie of the Franklin Lakes Lions Club came forward to thank the Mayor and Council for the use of McBride Field for the Lions Club Carnival and presented the Borough with a donation of \$1,000.00 dollars.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE NO. 1574

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 107
"RECREATION AND PARKS DEPARTMENT" OF THE CODE OF
THE BOROUGH OF FRANKLIN LAKES PERTAINING TO CRIMINAL
HISTORY BACKGROGROUND CHECKS AND SAFETY CERTIFICATIONS**

Summary – This ordinance will amend the Recreation and Parks ordinance to require that background checks for coaches be completed prior to the coach taking the field and that coaches have a 30 day grace period for completing the Rutgers safety certification course.

WHEREAS, an ordinance 1574 was introduced at a meeting of the Mayor and Council held on the 17th day of September, 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 1574 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. 1574 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 at this time.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – None.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey

Motion Approved.

OPEN THE TIME FOR PUBLIC COMMENT

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

Kathy Stack – 206 Park Road. Mrs. Stack wanted an update on the work being done on Pulis Avenue. She believes more should be done about the road conditions. Mayor Bivona explained that Northwest Bergen County Sewer Authority is doing work on a county road. Mrs. Stack wants the town to get involved. Mayor Bivona has been reaching out to them and agrees that more should be done, but it is a contract issue between the Sewer Authority and those doing the work. The Borough has made our position clear and the town does not have enough leverage to do much of anything.

Mr. Hart understands the issue and it's not acceptable. The project and paving should have been done months ago. Pulis Avenue is not going to be paved until the spring. The Borough is trying to get the County to also take a position on getting a portion of Pulis Avenue paved. The Borough is constantly contacting the Sewer Authority.

Mrs. Stack also wanted to know when the road will be closed or opened.

Mike Petrino – 708 Somerset Street. Mr. Petrino inquired about the amount of units that will be developed on the High Mountain Golf Course.

At this time the Mayor Bivona discussed the High Mountain Golf Course Development. He knows many would like the property to stay a golf course. The reality is that the owners of the property sold it to the Toll Brothers. Toll Brothers is asking for a higher density of housing. Currently, it is zoned for 1 acre residential properties. The Borough will consider increasing the density because of COAH issues. The Borough could be forced by a judge to put an even higher density of housing.

Over a course of discussions a “handshake” agreement has been reached between the Borough and Toll Brothers. There has been no actual contract. The current plan includes 275 residences, 60 single family homes on a minimum of ½ lots and 160 carriage homes. The carriage homes will face the Franklin Lakes Nature Preserve. There will also be 55 affordable housing units that are facing Ewing Avenue. At this time, Mayor Bivona reviewed the diagram.

Mr. Hart said that the homes will only be 2 stories. The rezoning will be on the agenda for the Mayor and Council meeting of November 7th. A draft Ordinance will be prepared for that meeting. That draft Ordinance could be set for Introduction as soon as the November. After the Introduced it will be sent to the Planning Board for their review and recommendation. It will then come back to the Mayor and Council for Adoption. The developer then goes back to the Planning Board for Site Plan approval. All meetings are open to the public.

Mr. Petrino asked if lot coverage provisions will be changed. Mayor Bivona said they are trying their best not to, but are being strict on the height. Mr. Petrino asked for anticipated values of these properties. Mayor Bivona said that those figures are not available. The contractor will install sewers and sidewalks and roads. There will be an impact on the schools. Currently, school enrollment has been declining but this will bump the figures up. He feels the schools have a capacity to handle the increase in students.

Mr. Petrino asked if any of the property there was being set aside for public use such as an additional Fire House. Mayor Bivona said no land was being set aside for anything like that. Borough Attorney Smith said the Borough has no right to make that demand.

Mayor Bivona advised that a press release and diagram will be available as soon as tomorrow.

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

CONSENT RESOLUTION 255-13

BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Franklin Lakes. Full text of all consent agenda resolutions can be found after the Adjournment.

- Resolution 255-13 Consent Resolution
- Resolution 256-13 Accept Report of the Finance Committee
- Resolution 257-13 Professional Service Agreement – Special Needs Housing Planner
- Resolution 258-13 Award State Contract – Police Car Security Cameras
- Resolution 259-13 Stipulation of Settlement – Gross
- Resolution 260-13 Stipulation of Settlement – Ordway
- Resolution 261-13 Stipulation of Settlement – Shtemberg
- Resolution 262-13 Stipulation of Settlement – Ruggiero
- Resolution 263-13 Cancelling Balance of Completed General Capital Improvement Authorizations
- Resolution 264-13 Cancel Current Grant Receivables and Unexpended Budget Appropriations Balances
- Resolution 265-13 Agreement – Mountain Shadows Payment in Lieu of Municipal Services
- Resolution 266-13 Tree Removal – 265 Green Ridge Road
- Resolution 267-13 Tax Redemption – Lawson

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

Roll Call Vote:

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

RESOLUTIONS

Resolution 268-13 Lien for Tree Removal – 638 Franklin Avenue

WHEREAS, in accordance with the provisions of Chapter 373 “Property Maintenance” of the Borough Code, the Borough has contracted for the cutting down of three hazardous trees on the property located at 638 Franklin Avenue; and,

WHEREAS, in accordance with Borough Code §373-3, the Borough’s Tree Specialist has certified the costs of said work to the Mayor and Council by letter dated October 3, 2013; 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 certified costs for the cutting down of trees on the property located at 638 Franklin Avenue, totaling \$2,110, is hereby determined to be correct, based on the information provided; and,

BE IT FURTHER RESOLVED that the \$2,110 cost is hereby charged against said property and said amount shall be a lien upon such property and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the property owner at 638 Franklin Avenue, the Tax Collector and the Tree Specialist.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mr. Hart reported they are using a provision in the property maintenance ordinance in this case. There were many attempts to contact the property owner, but to no success. They are not sure if the home is being occupied. The owner has passed away. The Borough has reached out to their attorney with no success either. Mayor Bivona advised there are other dangers around town stemming from property maintenance. After a consensus the Council approved of moving forward with these types of liens when public safety is a concern.

Roll Call Vote:

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

**Resolution 269-13
Snowplowing – Reject Bids and Authorize Re-Bid**

WHEREAS, the Borough of Franklin Lakes received bids for snowplowing of Borough roads on August 13, 2013; and,

WHEREAS, there was one bid submitted, from Elite Demolition & Carting LLC; and,

WHEREAS, the bidder is unable to comply with the requirement of the bid specifications; and,

WHEREAS, it is the opinion of the Mayor and Council that a re-bidding is in the interest of the taxpayers of the Borough of Franklin Lakes;

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 sole bid for snowplowing of Borough roads be and is hereby rejected; and,

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise for new bids; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Elite Demolition & Carting LLC and the Superintendent of Public Works.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mr. Hart explained that the original winning bidder did not have the equipment or insurance to fulfill the contract.

Roll Call Vote:

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

Resolution 270-13
Fund Balance/Surplus Target and Re-Generation Policies

WHEREAS, the Chief Financial Officer, William G. Pike, has prepared a policy document entitled “Fund Balance/Surplus Target and Re-generation Policies”, dated October 10, 2013; and,

WHEREAS, the Administration and Finance Council Committee has reviewed the policy and is recommending the approval of the policies stated therein by the Mayor and Council;

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 policies be and are hereby approved:

Target Fund Balance Policy

It shall be the policy of the Borough of Franklin Lakes that unreserved, undesignated Fund Balance on January 1 of a given year should be no less than 12% of the previous year’s operating budget.

After the Annual Financial Statement has been filed, the CFO shall report to the Finance Committee on the status of Fund Balance as it relates to this policy. This report will be considered during budget deliberations.

Fund Balance/Surplus Re-generation Policy

It shall be the policy of the Borough of Franklin Lakes that an adequate Fund Balance be maintained at all times. Fund Balance is necessary to provide the cash needed to meet the Borough’s obligations and operations during those periods between tax collection cycles.

Further, it shall be the policy of the Borough of Franklin Lakes that, towards the end of maintaining a constant adequate supply of available cash, no amount of Fund Balance shall be anticipated as revenue in an amount which exceeds the amount re-generated the previous year. Exceptions may include a designation of Fund Balance revenues for certain specific purposes and off-set with a like budget appropriation. Examples of such designations include down payments for specific capital projects, or appropriations to certain reserves or Trust Funds and as used in the year 2012 budget an amount to pay down the 2009 deferred pension obligation.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Lambrix. Discussion – Mr. Hart explained a change made to this resolution since it was discussed at the Work Session meeting. Mayor Bivona was concerned that this was too hard of a policy. Councilmember Lambrix feels this policy could be referred to by future Mayors and Councils. Future Mayor and Council members can change this policy. This can be used for guidance in the future. Councilmember Kahwaty gave some suggestions for amending the wording of the policy. Further discussions ensued in regards to the wording of the policy. No actual changes were made.

Roll Call Vote:

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

ACTION ON MINUTES

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

- September 3, 2013 Worksession
- September 3, 2013 Closed
- September 17, 2013 Regular
- September 17, 2013 Closed
- October 1, 2013 Closed

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota (with exceptions), Pedone (with exceptions)
Nays:
Abstain: Lota – October 1, 2013 Closed; Pedone - September 3, 2013 Worksession, September 3, 2013 Closed, September 17, 2013 Regular, September 17, 2013 Closed
Absent: Ramsey
Motion Approved.

OLD BUSINESS

Police Vehicle

Chief Seltenrich is prepared to order the new police vehicle. A picture of the vehicle was passed around. The vehicle is going to be black and white. The same insignia will be used as on the other police vehicles.

Tree Service Voucher

Councilmember Pedone reported that the Tree Specialist, Kris Hasbrouck, looked at trees on Borough owned properties and made recommendations to remove some trees that were in danger of falling or were dead. Mr. Hasbrouck received prices for the tree work and the amount is under the bid threshold. The amount is coming out of the Tree Escrow account. Councilmember Pedone passed around a list of the trees being removed from Borough Property. The Shade Tree Commission has made this recommendation.

NEW BUSINESS

PSE&G Direct Install Program

Greg Hart reported this is program run by PSE&G that the Borough is eligible for. They will do a free energy audit. If there is any energy efficiency measures that are recommended PSE&G will install them and pay 80% of the cost and the Borough will pay the remaining 20%. The Borough is not committed to make any of these changes.

Mayor Bivona asked if the Library lot solar lights are working. Mr. Hart said they are, but we have had a lot of problems. Mayor Bivona also reported on what neighboring towns that have gone out to buy power are doing. He said towns are saying it's been a great savings. There are pros and cons and we should take a look at it. Mr. Hart said we would need to hire a consultant to prepare the bid specs. He will also ask the Environmental Commission to look into this as well.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1575 for Introduction, and direct the Clerk to read by title was made by Councilmember Kelly, seconded by Councilmember Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1575

AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ALLOW OPAQUE FENCES IN CERTAIN AREAS

WHEREAS, Ordinance 1575 was introduced at a meeting of the Mayor and Council held on the 15th day of October, 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 1575 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1575 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 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 1575; 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, Kelly, Lambrix, Lota, Pedone

Nays:

Abstain:

Absent: Ramsey

Motion Approved.

Move to take up consideration of Ordinance 1576 for Introduction, and direct the Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1576

AN ORDINANCE AMENDING SECTION 254-3 OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED “DISCHARGE OF FIREARMS NEAR HOUSES OR PUBLIC STREETS; EXCEPTION”

WHEREAS, Ordinance 1576 was introduced at a meeting of the Mayor and Council held on the 15th day of October, 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 1576 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1576 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 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 1576; and,

BE IT FINALLY RESOLVED that the Borough Clerk is hereby authorized and directed to publish the Introduction and Notice of Hearing as required by Law.

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

Roll Call Vote:

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

Move to take up consideration of Ordinance 1577 for Introduction, and direct the Clerk to read by title was made by Councilmember Pedone, seconded by Councilmember Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1577

**AN ORDINANCE SUPPLEMENTING CHAPTER 470
“VEHICLES AND TRAFFIC” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO PROHIBIT STOPPING
OR STANDING ON A PORTION OF FIELDSTONE COURT**

WHEREAS, Ordinance 1577 was introduced at a meeting of the Mayor and Council held on the 15th day of October, 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 1577 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1577 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 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 1577; and,

BE IT FINALLY RESOLVED that the Borough Clerk is hereby authorized and directed to publish the Introduction and Notice of Hearing as required by Law.

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

Roll Call Vote:

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

Move to take up consideration of Ordinance 1578 for Introduction, and direct the Clerk to read by title was made by Councilmember Pedone, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1578

**AN ORDINANCE SUPPLEMENTING CHAPTER 247 “FEES”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES
TO PROVIDE FEE FOR COMPETITIVE CHEERLEADING**

WHEREAS, Ordinance 1578 was introduced at a meeting of the Mayor and Council held on the 15th day of October, 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 1578 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1578 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 12th day of November 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 1578; and,

BE IT FINALLY RESOLVED that the Borough Clerk is hereby authorized and directed to publish the Introduction and Notice of Hearing as required by Law.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Greg Hart reported that a flyer was being passed around with a fee associated with Competitive Cheerleading. Mr. Hart advised Jason Robinson, the Recreation Director, that fees need to be approved by Ordinance. The Recreation Committee is recommending the fee.

Roll Call Vote:

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

At this time, the Borough Administrator introduced the college intern Florian Bausch who is from Germany. He will be interning with the Borough for the next 3 months.

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, October 15, 2013 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Chief Financial Officer
- Personnel – Technical Assistant
- Contractual and Anticipated Litigation – Golf Course Development

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 Kelly. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made at 9:40 p.m. by Councilmember Lambrix, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 256-13 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 \$4,850,522.41 as shown on the Claims Bill List; \$270.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 257-13 Professional Service Agreement – Special Needs Housing Planner

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Planner for preparation of a Redevelopment Plan 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, Clarke Canton Hintz has submitted a proposal dated September 26, 2013 indicating they will provide Planning Services for the total sum of \$19,300 as per their proposal; and,

WHEREAS, this Redevelopment Plan is being prepared to support an application by the Housing Development Corporation/The Alpert Group for certain funding, and therefore the Housing Development Corporation/The Alpert Group shall post an escrow with the Borough for payment of these fees; and,

WHEREAS, Clarke Canton Hintz has completed and submitted a Business Entity Disclosure Certification which certifies that Clarke Canton Hintz has not made any reportable contributions to a political party or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Clarke Canton Hintz 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 Clarke Canton Hintz for the preparation of a Redevelopment Plan, provided the Housing Development Corporation/The Alpert Group post an escrow with the Borough in the amount necessary for payment of the contract; 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 258-13 Award State Contract – Police Car Security Cameras

WHEREAS, the Borough of Franklin Lakes wishes to purchase In-Car Video Systems for 7 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, Watch Guard, 415 Century Parkway, Allen, TX 75013 has been awarded New Jersey State Contract number A81300T0106 for In-Car Video Systems; 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 In-Car Video System for 7 police vehicles is \$53,308.00; 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 In-Car Video Systems for 7 police vehicles be purchased from Watch Guard, 415 Century Parkway, Allen, TX 75013

Resolution 259-13 Stipulation of Settlement – Gross

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

Block: 2304.06
Lot: 8
Street Address: 682 Butternut Drive
Owner: Gross, Lauren

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: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 449,200	\$ 449,200
Improvements	\$1,632,100	\$1,532,100
Total	\$2,081,300	\$1,981,300

Tax Year: 2013

Land	\$ 449,200	\$ 449,200
Improvements	\$1,632,100	\$1,532,100
Total	\$2,081,300	\$1,981,300

Resolution 260-13 Stipulation of Settlement – Ordway

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

Block: 1311
Lot: 7.07
Street Address: 102 Evergreen Court
Owner: Ordway, Edwin and Christine

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: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 434,000	\$ 434,000
Improvements	\$1,201,800	\$1,146,000
Total	\$1,635,800	\$1,580,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 434,000	\$ 434,000
Improvements	\$1,201,800	\$1,146,000
Total	\$1,635,800	\$1,580,000

Resolution 261-13 Stipulation of Settlement – Shtemberg

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

Block: 1311.04
Lot: 1
Street Address: 976 Valley Road
Owner: Shtemberg, Yuri and Marina

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: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 436,000	\$ 436,000
Improvements	\$ 683,700	\$ 629,000
Total	\$1,119,700	\$1,065,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 436,000	\$ 436,000
Improvements	\$ 683,700	\$ 629,000
Total	\$1,119,700	\$1,065,000

Resolution 262-13 Stipulation of Settlement – Ruggiero

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

Block: 2101.10
Lot: 12
Street Address: 628 Winding Hollow Drive
Owner: Ruggiero, Anthony and Maria

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 year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting this adjustment.

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 663,200	\$ 663,200
Improvements	\$3,143,300	\$2,836,800
Total	\$3,806,500	\$3,500,000

Resolution 263-13 Cancelling Balance of Completed General Capital Improvement Authorizations

WHEREAS, certain General Capital Improvement Authorization balances remain on the Borough's financial statements for projects which have been completed; and,

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin Lakes, that the following balances of the unexpended improvement authorizations in the General Capital Fund be cancelled as follows:

<u>Ordinance No.</u>	<u>Description</u>	<u>Unexpended Authorization</u>
Funded – Cancel to General Capital Surplus		
1315	Improvements to Valley Road	\$972
1460	Acquisition of Fire Equipment	2,623
1501	Purchase of Ambulance	5,443
1521	Purchase of Various Items and Certain Capital Improvements	
	<u>10,143</u>	
	Total Cancelled to General Capital Surplus	<u>\$19,181</u>
Unfunded – Cancel to Reduce Bond Anticipation Note		
1410	2008 Road and Curb Program	101,820
1421	Various Capital Improvements	80,162
1420/1434	Improvements to Tommy John Field	35,203
1447	2009 Road and Curb Improvements	75,006
1452	Various Capital Improvements	40,780
1474	2010 Road and Curb Program	64,963
1486	Acquisition of Back Hoe	6,344
1499	Various Capital Improvements	<u>6,841</u>
	Total Cancelled to Reduce Bond Anticipation Note	<u>\$411,119</u>
	Total Authorizations Cancelled	<u>\$430,300</u>

Resolution 264-13 Cancel Current Grant Receivables and Unexpended Budget Appropriations Balances

WHEREAS, certain grant receivable balances remain on the Current Fund Balance Sheet; and,

WHEREAS, unexpended budget appropriation balances associated with these receivables remain on the Current Fund Balance Sheet; and,

WHEREAS, it is necessary to formally cancel said grant receivable and unexpended budget appropriation balances from the Current Fund Balance Sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin Lakes, that the following grant receivable and unexpended budget appropriation balances be cancelled as of October 15, 2013:

<u>Grant Description</u>	<u>Receivable Balance</u>	<u>Unexpended Appropriation</u>
Community Development Block Grant Barrier Free Bathrooms & Ramps	\$13,528	\$12,920
Installation of ADA Ramps – Various Locations	\$30,000	\$9,473
Obey the Signs, Pay the Fines	\$100	\$0
Click It or Ticket	\$153	\$32
Private Donation	\$2,020	\$0
Bergen County Community Development	\$3,000	\$275

Resolution 265-13 Agreement – Mountain Shadows Payment in Lieu of Municipal Services

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Mayor and Borough Clerk are hereby authorized to sign an agreement with Mountain Shadows Condominiums for payments in lieu of municipal services.

Resolution 266-13 Tree Removal – 265 Green Ridge Road

WHEREAS, paragraph C of Borough Code §300-150 permits applicants to apply to the Mayor and Council to remove trees in addition to those permitted under paragraph B of said section; and,

WHEREAS, in accordance therewith, David White, who resides at 265 Green Ridge Road, has requested permission to remove trees in excess of those permitted by paragraph B of Borough Code §300-150; and,

WHEREAS, the Mayor and Council referred the application to the Shade Tree Commission for its review and recommendations; and,

WHEREAS, the Shade Tree Commission has recommended approval of the application with certain conditions, as set forth in the memo from the Shade Tree Commission dated September 12, 2013;

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 Shade Tree Commission as set forth in its memo dated September 12, 2013 is hereby approved, and the tree removal application for 265 Green Ridge Road be and is hereby approved, subject to the conditions in said Shade Tree Commission memo; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to David White, the Tree Specialist and the Shade Tree Commission.

Resolution 267-13 Tax Redemption – Lawson

WHEREAS, at the Tax Sale held on September 30, 2013, the Borough of Franklin Lakes sold a tax lien on Block 1511, Lot 6.011, also known as 805 Circle Avenue, for delinquent 2012 taxes, owned by Robert Lawson, Jr. and;

WHEREAS, this Tax Lien Certificate #13-00004 was sold to Brickmans & Pines Mgmt. at 18% interest rate:

WHEREAS, One People Inc., previous lien holder will redeem of Certificate#13-00004 in the amount of \$300.63, and

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to issue check in the amount of \$300.00 made payable to Brickmans & Pines Mgmt., P.O. Box 8239, Paramus, NJ 07653

Tax Lien	\$	280.50		
2% Redemption Penalty		5.61	1099	
Interest		2.52	Total 1099:	\$ 8.13
Search Fee		12.00		
Total:	\$	300.63		

Respectfully submitted,



Sally T. Bleeker, Borough Clerk