

**MEETING OF THE MAYOR AND COUNCIL
DECEMBER 17, 2013
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, December 17, 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 Ramsey. Also present were Borough Administrator Greg Hart, Borough Attorney William T. Smith and Borough Clerk Sally Bleeker. Absent was Councilmember Pedone.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PRESENTATION

Plaque Presentation to Council President Lota

Mayor Bivona presented Council President Nathalie Lota with a plaque in recognition for her work on the Council for the past six years.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1579

**AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH
THE PRD-2 PLANNED RESIDENCE DISTRICT-2 ZONING DISTRICT**

Summary – This ordinance would rezone the High Mountain Road Golf Course to permit development of 60 single family homes, 160 carriage homes and 55 affordable units.

WHEREAS, an ordinance 1579 was introduced at a meeting of the Mayor and Council held on the 12th day of November, 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 1579 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. 1579 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

Borough Attorney Smith advised that the Ordinance is contingent upon receiving the signed agreement within 5 days.

The Borough Clerk read the Ordinance by title only.

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

Bill Martin – 747 Jenny Trail. Mr. Martin came forward to say that he does not feel that the developer cares about the footprint that they leave behind. He is very concerned about the location of the affordable housing. He does not believe the location is in the best interest of the town. He wants the Council to think about what's best for the "brand" that is Franklin Lakes and not what is best for the developer. He thinks the affordable housing should be moved inside the development and not sitting on Ewing Avenue.

Joseph Scarpelli – 367 Lakeview Drive, Wyckoff. Mr. Scarpelli came forward saying that he grew up in Franklin Lakes and loves the area. He says it has great schools; great land and he raised his family here. He said this will change the area forever. He went on to say that the High Mountain Golf Course is not just a golf course. It is a wildlife refuge, family outings, parties, a place for hundreds of thousands of dollars of fund raisers. It is a place where high schools hold their golf lessons. It's been a good neighbor, but once it is gone it is gone forever. The demographics will change. He was not sure why there were concessions made to the contractor. He has served on many boards and has been involved in many things that he can say he is proud of. He wonders if the Council will be able to say in ten years from now that they are proud of this. He wanted people to remember that High Mountain Golf Course has been a good neighbor and wonders if this development will be a good neighbor.

Mike Giaccone – 306 Waterview Drive. He came forward questioning why the affordable housing is being segregated to one section. He believes this is a big mistake. He wants to know why it's not being integrated into the town homes.

Kenneth Lont – 741 Charnwood Drive. Mr. Lont came forward asking about the height of the buildings. He said currently there is a lot of flooding close to an area of his home. He wants to make sure that there will be no flooding issues that will affect his property.

Gerry Bedrin – 718 Clove Lane. Mr. Bedrin expressed interest in the development. He would like to stay in Franklin Lakes. He believes it's a project that should be entertained. He believes they'll be a lot of market for these types of homes. People would like to stay in town in a more manageable home.

Laurie Burnette – 860 Woodfield. She believes that the affordable housing should not stand out like a sore thumb. She also thinks this is all happening too fast.

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mayor Bivona began by saying that this entire project has been in discussion for the past 2 years. They are trying to do this at a reasonable pace. There has been no rush on anyone's part and if the Ordinance does not pass tonight, it doesn't pass.

Mayor Bivona explained that since this Ordinance was introduced the Planning Board has met and made some recommendations. There were a total of eleven (11) recommendations made by the Planning Board. Eight (8) of the recommendations were met, Toll Brothers said no to two (2) of the recommendations that were made and a compromise was made to one (1) of the Planning Board's recommendations. Borough Administrator Hart referenced letters from the Planning Board Attorney to the Toll Brothers Attorney.

Mayor Bivona said there were certain key issues that were addressed. The Mayor referred to exhibit "C" of the original concept design there were traffic concerns in regards to Van Houten Avenue, Delaware Lane and the exit onto Franklin Lake Road. Borough Engineer, Kevin Boswell, explained that Toll Brothers will supply detailed traffic studies at both points of access would be forthcoming at the general development plan level during and there will be a revision to connect 15 of the 17 homes, so only 2 homes will service Van Houten Avenue. A traffic consultant will be used at Franklin Lake Road.

Mayor Bivona said that with the new change, Delaware Lane will not be a cut through and there is only one new home that will access Van Houten Avenue. Mayor Bivona also referenced exhibit "B". It was explained that the language gives the Planning Board the right to ask for additional changes in the future. Councilmember Lambrix asked who had the authority to limit u-turns in Franklin Lake Road. Borough Engineer said that Toll Brothers could put traffic restrictions and make requests to the County. The access location could be changed to better service the area.

Beth McManus, Borough Planner said that in addition to creating the new zoning, this Ordinance also creates a new process within the Borough for development applications of this size. The new process is called General Development Plan Approval. This is already in the Land Use Law and has been for several decades. Communities across the state already rely on it for applications of this size. It creates an additional step before the Planning Board. Ms. McManus explained the current approval process before the Planning Board. This new step allows the developer to come in before the preliminary site plan and request a conceptual plan of the property. The plan will include studies such as traffic and environmental reports. The purpose is to give the Borough the opportunity to see how the site will look in its entirety. It is not required that the developer go through the General Development Plan Approval.

Mayor Bivona explained that tonight's decision is about allowing the higher density.

Mayor Bivona referred back to the recommendation list from the Planning Board. The developer has agreed to have environmental, fiscal and traffic studies completed. If the Borough finds something during the studies the town will have the ability to react.

Mayor Bivona also discussed the height of the Affordable Housing units. The developer wanted the height to be 45 feet, the Planning Board asked that it be lowered to 40 feet and the compromise will be 42.5 feet. There will be 55 affordable housing units that will be for purchase.

Mayor Bivona also said that in the recommendations that the Planning Board asked for access to the Franklin Lakes Nature Preserve. Beth McManus explained that the revised plan gives the residents of this development access to the trails of the Franklin Lakes Nature Preserve. Residents will not need to leave the property in order to have access of the Nature Preserve. The developer will construct the additional trails that will connect to the Nature Preserve.

Mayor Bivona advised that currently, the Borough does not have a Generator Maintenance Ordinance. Borough Administrator, Greg Hart, said one will be discussed in January at the Work Session. This is to limit where a generator can be placed to either the side or rear of the yard and not in the front yard. Mr. Surenian said this will ensure that the wiring to the structures will be in the back or the rear of the property. Discussion ensued in regards to the width of the roads.

Mayor Bivona added that the development will have underground electric, public sewers and fire hydrants.

Mr. Surenian explained that the developer will ensure that the property owners must get pre-approval from the Homeowners Association before anyone applies for a variance. This will help alleviate variance applications to the Planning and Zoning Boards. Mr. Surenian also said that the developer will comply with the provisions already in place by Borough Ordinance in regards to Homeowners Association.

Mayor Bivona said that the developer will not concede to having just one Development Identification Sign at the entrances to the development. There will be 2 signs at each entrance and visible in both directions at Ewing Avenue and Franklin Lake Road and they will comply with the Borough Ordinances in regards to signage.

Borough Engineer, Kevin Boswell, explained the height restrictions found in the Borough Ordinance. Currently, the property is graded as a golf course not for residential use. The developer will need to make adjustments to the grading. Detailed engineering will be required. It will be provided in specific detail during site plan review. Mr. Lont came forward again expressing that he is not an Engineer and did not really follow what Mr. Boswell was saying. He

wants to know what assurance he will get from the town of Franklin Lakes that his property is not going to be impacted by flooding because changes are being made to the zoning of the property. He holds the town accountable. Mr. Boswell said that they cannot dam water onto his property. Mr. Lont asked Mr. Boswell if he is guaranteeing him that there will not be flooding on his property. Mr. Boswell said he is telling him what the laws of the state are. If his property drains in a certain manner now then it will drain in the same manner later. Mayor Bivona explained to Mr. Lont that this was not the public portion and not the time to discuss this certain topic and that there will be many meetings to address his concerns later.

Mr. Surenian wanted to make sure there is a clear record in the contract regarding signage. The contract should be clear in its intention that the developer still has to comply with the Borough's Sign Ordinance. This will help eliminate any issues down the road. Mr. Surenian reviewed the language in paragraph 8 from the letter sent by Toll Brothers attorney. Further discussion ensued in regards to signage and making sure that the developer will comply with the Borough Sign Ordinance. Mr. Surenian suggests that language is incorporated into the agreement to clearly state that the developer will be allowed 2 signs at each entry, but the signs must comply with the Borough's current Sign Ordinance.

Mayor Bivona next addressed the affordable housing unit Concerns. He reiterated the risks of the developer challenging the amount of units through a builder's remedy lawsuit. The developer did come to the Borough with a higher number than the current proposal of 275. The Borough's main goal was to limit the density. They did not want to see a thousand units on the property. The 275 represents 2 homes per acre. The Borough has seen 8 homes per acre and did not want that again. He said a lot of the bordering homes now are on ½ acre lots. The carriage homes will border the Nature Preserve. The affordable units are not required to be integrated into the carriage homes. If it was integrated into the carriage homes that would mean that there would be much more than 275 total units. Moving the affordable units into the development would hurt the other current home owners. The developer does not want to move them and has said they would not.

Beth McManus explained that COAH does not require the affordable units to be integrated they just strongly recommend it. The Borough is not violating any COAH rules by not integrating the affordable housing units. Ms. McManus added language to the Ordinance to ensure that there is some architectural interest to the units and not some large overbearing brick wall. The builder must have architectural interest incorporated into the plans. It should complement the rest of the development. She read the specific language which is included in the agreement.

Mr. Boswell then began explaining that the height of the affordable units would include a dormer on the third floor to keep the look consistent with the rest of the development. Mr. Boswell also said that the developer agreed to a 50 foot set back from Ewing and Road "A". This was because of some wetlands and the fact that single family homes in Franklin Lakes must have a 50 foot setback from the road. There will be an actual 60 foot setback because of additional landscape buffering/plantings.

Mayor Bivona said that the Planning Board did make amendments to the Master Plan. Mr. Boswell confirmed that this Ordinance will comply with and is consistent with the Master Plan. He went on to say that if the Ordinance was inconsistent the Master Plan the Council would have had to explain why they were adopting the Ordinance which is inconsistent with the Master Plan, but we do not have that issue. Mr. Smith said that the Planning Board did send us their eleven comments which we just finished reviewing in regards to the Ordinance. We have satisfied eight of their comments; three of them, as we explained, had to be compromised or have not been met. It is Mr. Smith's opinion that we explain; as we already have; why we have not met all of their requests. Because all of them have not been met we need a super majority in order to pass the Ordinance which is the majority of the fully constituted governing body which is six members, requiring 4 favorable votes to pass.

Mayor Bivona added that there has been follow up with Toll Brothers after comments from the public. The architectural concepts for affordable housing will be supplied at GDP as Kevin Boswell already explained. The Planning Board may raise other issues in regards to road issues which Kevin Boswell already discussed. Concern was raised at the Planning Board meeting by the public in regards to maintenance and security of the property once it is in the Toll Brothers

hands. The developer's agreement will be entered into at some point and will have to abide by Borough Ordinances regards to the construction period.

Kevin Boswell further explained the time frame between when the Golf Course shuts down and construction begins that additional language was added to property maintenance to ensure that grass is cut and any knocked down trees are cleared off the property. There must be a continuous maintenance at the property site. Mr. Boswell went into detail as to how high grass can be.

Mr. Surenian reviewed and touched upon certain points in the first amendment of the developer's agreement. The agreement will become a part of the Ordinance. The Planning Board was concerned about enforceable rights. Further discussion ensued in regards to property maintenance and property security.

Borough Planner, Beth McManus reviewed some of the changes to the Ordinance. There were changes to the actual name of the Golf Course. There was language added giving the Planning Board rights to have the concept plan amended if there are health or safety concerns. The next change was the change in height to the affordable housing units. It reduces the height from 45 feet to 42.5 feet. The next change requires a perimeter buffer along all of the property. The last change in language had the same concept for the GDP stage as in the concept plan where the Planning Board has the right to have the GDP amended if there are health or safety concerns. Health concerns also include environmental health.

Borough Attorney Smith recommended that the Ordinance be adopted subject to receiving the signed agreement within five days. If signatures are not received then the Ordinance is not adopted.

Resolution 330-13

Approving First Amendment to Affordable Housing/COAH Mediation Agreement

WHEREAS, for the reasons set forth on the record at the public meeting of December 17, 2013, the Mayor and Council of the Borough of Franklin Lakes are desirous of entering into a First Amendment to Affordable Housing/COAH Mediation Agreement with the Galenkamp Brothers Partnership, The Mountain Club, Inc., and Toll Bros., Inc., which Agreement pertains to the proposed development of the High Mountain Road Golf Course; and

WHEREAS, the First Amendment incorporates in paragraph 3 the "Toll letter" into the amendment; and

WHEREAS, paragraph 8 of the Toll letter makes reference to photographs and signs; and

WHEREAS, any references to signs in paragraph 8 of the Toll Agreement are not intended to amend or expand the types of signs which will be permitted beyond those signs permitted by the applicable ordinance; and

WHEREAS, approval of the Amendment is subject to receipt of the Amendment executed by all interested parties on or before December 22, 2013; and now therefore

BE IT RESOLVED that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey hereby approve the First Amendment to Affordable Housing/COAH Mediation Agreement; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute said First Amendment to Affordable Housing/COAH Mediation Agreement on behalf of the Borough; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Jeffrey R. Surenian, Esq., and Elizabeth McManus, PP.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Councilmember Lambrix commented that this has been a difficult process and a tough call. He knows people would prefer to have this remain a golf course. Property

owners have the right to sell their property. Good points have been raised which he agrees with. The issue they face is density and they must decide between a choice of opposing a zoning change and going down the road of possible litigation. At one point he was a proponent of going the litigation route when Old Mill was being built. The borough went the litigation route for 3 years and at the end of the day the courts sided with the developer overwhelmingly and they ended up with 8 units per acre. That was the result. We lost. This time, the Mayor and Council pursued a different route; to work with the developer and limit the impact. He thinks given the choice that they have achieved that objective.

Councilmember Kahwaty also commented upon Mt. Laurel rulings. It limits the Borough's options.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Lota, Ramsey

Nays:

Abstain:

Absent: Pedone

Motion Approved.

At this time, the roll call was called for the Final Adoption of Ordinance 1579.

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 Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

At this time, no one from the public came forward to speak.

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

CONSENT RESOLUTION 311-13

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 312-13 | Accept Report of the Finance Committee |
| Resolution 313-13 | Award Contract Boswell Engineering – Hydrologic and Hydraulic Study, Tanglewood Court |
| Resolution 314-13 | QPA Services – Agreement with Library |
| Resolution 315-13 | Tax Refund – Garrambone |
| Resolution 316-13 | Tax Refund – Holloschutz |
| Resolution 317-13 | Tax Refund – Cortright |
| Resolution 318-13 | Tax Refund – Harold |
| Resolution 319-13 | Tax Refund – Steliga – 563 Commerce Street |
| Resolution 320-13 | Tax Refund – Steliga – 568 Commerce Street |
| Resolution 321-13 | Tax Refund – Godino |
| Resolution 322-13 | Award Contract – Telecommunications Services POTS Line |
| Resolution 323-13 | Award Contract – Telecommunications Services T1 Line |
| Resolution 324-13 | Award Contract – Telecommunications Services Fire Siren |
| Resolution 325-13 | Authorize Online Auction – DPW Equipment |

Resolution 326-13 Budget Transfer
Resolution 327-13 Tree Removal Permit Denial – 726 Hickory Hill Road

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

Roll Call Vote:

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

RESOLUTIONS

**Resolution 328-13
Stipulation of Settlement – 990 Dogwood Trail**

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

Block: 1209
Lot: 25
Street Address: 990 Dogwood Trail
Owner: Arthur and Margaret Pronti

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: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 636,000	\$ 636,000
Improvements	\$ 471,000	\$ 449,000
Total	\$1,107,000	\$1,085,000

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

Roll Call Vote:

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

**Resolution 329-13
Award Contract – Police Equipment and Upfit for Suburban**

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for Police Equipment and upfit for 2014 Police Suburban for the Police Department; and

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

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

1. Murphy Communications, 605 Montgomery Road, Hillsborough, NJ is hereby awarded a contract in the amount of \$6,343.59
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 read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – None.

Roll Call Vote:

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

ACTION ON MINUTES

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

- October 15, 2013 Closed
- November 7, 2013 Worksession
- November 12, 2013 Regular

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix (with exceptions), Lota, Ramsey (with exceptions)
Nays:
Abstain: Lambrix – November 7, 2013 Regular; Ramsey – October 15, 2013 Closed, November 12, 2013 Regular
Absent: Pedone
Motion Approved.

OLD BUSINESS

There was no Old Business to discuss.

NEW BUSINESS

Traffic Circle

Mayor reported that the Borough had requested the traffic circle changes be delayed until there were further traffic studies in regard to the Golf Course development. We had also asked that the speed be reduced as well. The County has sent the Borough a letter saying they are taking action and that our request for delay has been denied. The Mayor had drafted response letter which will be sent to the County.

Website Update

Greg Hart brought to everyone's attention that there is a new video tour feature on the Franklin Lakes website. There are five videos to view.

Building on McCoy Road Property

Councilmember Ramsey is concerned about buildings on the McCoy Road property that needs to be done. Mayor Bivona suggested that this be taken up during the Work Session. Mr. Hart said that the building removal is the obligation of the developer as stated in the agreement.

CLOSED SESSION

At this time, there are no Closed Sessions items to discuss.

ADJOURNMENT

Motion to adjourn the meeting was made at 10:30 p.m. by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 312-13 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 \$429,070.88 as shown on the Claims Bill List; \$8,924.00 as shown on the Soil Account Bill List and \$924.00 as shown on the Developers Escrow List.

Resolution 313-13 Award Contract Boswell Engineering – Hydrologic and Hydraulic Study, Tanglewood Court

WHEREAS, the Borough of Franklin Lakes has a need for engineering services for a Drainage Study of Tanglewood Court in the Borough of Franklin Lakes as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, Kevin J. Boswell, P.E. of Boswell McClave Engineering, 330 Phillips Avenue, P.O. Box 3152 South Hackensack, NJ 07606 has agreed to provide survey and engineering analysis and evaluate the current drainage conditions and system and provide a recommendation of improvements to alleviate the flooding condition as the Borough Engineer in accordance with his proposal dated December 2, 2013 for the amount of \$6,500.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Franklin Lakes authorizes Mayor Frank Bivona to enter into a contract with Kevin J. Boswell, P.E. of Boswell Engineering, 330 Phillips Avenue, P.O. Box 3152 South Hackensack, NJ 07606 as described herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution shall be published as required by law within ten days of its passage.

Resolution 314-13 QPA Services – Agreement with Library

WHEREAS, N.J.S.A 40A:11-9 provides for the appointment of a Purchasing Agent (PA) and a Qualified Purchasing Agent (QPA); and,

WHEREAS, P.L .2009, c166 reduced the bid threshold for contracting units without a QPA to \$17,500.00; and,

WHEREAS, a contracting unit with a QPA may establish a bid threshold of \$36,000.00; and,

WHEREAS, the Borough of Franklin Lakes employs a QPA; and,

WHEREAS, the Purchasing Agent for the Franklin Lakes Public Library is not a QPA; and,

WHEREAS, Borough of Franklin Lakes is willing to provide the services of a QPA to the Library to supplement the services provided by the Library's Purchasing Agent; and,

WHEREAS, N.J.S.A. 40:8A-6 authorizes a Provider and a Recipient to enter into an Inter-local Agreement to shared services;

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 be and are hereby authorized to enter into an agreement on behalf of the Borough with the Franklin Lakes Public Library, with the following terms and conditions:

1. The Borough shall provide the services of a QPA to the Library to work with the Library Purchasing Agent to comply with the Purchasing Requirement of N.J.S.A. 40A:11-1 et. Seq. for purchases exceeding the \$17,500.00 threshold;
2. The QPA shall remain an employee of the Borough and not of the Library. All compensation to the QPA shall be paid by the Borough;
3. The Library shall pay the Borough the sum of \$1,000.00 per year for the services of the QPA;
4. The initial term of the agreement shall be for 12 months from the date of this Resolution;
5. Either party may terminate the agreement at any time without cause upon 30 days written notice to the other party;
6. The agreement shall terminate automatically if the Borough no longer employs a QPA;

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Franklin Lakes Public Library.

Resolution 315-13 Tax Refund – Garrambone

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 the property taxes previously paid for the year(s) 2012 and 2013,

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of Jacobus & Associates, attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1207	7	2,750,000	(2012)	\$ 1,404.23
		2,750,000	(2013)	\$ 1,426.21
			Total	\$ 2,830.44

Resolution 316-13 Tax Refund – Holloschutz

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 the property taxes previously paid for the year(s) 2012 and 2013,

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of Jacobus & Associates, attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1106.06	6	1,950,000	(2012)	\$ 1,926.98
		1,950,000	(2013)	\$ 1,957.15
				Total
				\$ 3,884.13

Resolution 317-13 Tax Refund – Cortright

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 the property taxes previously paid for the year(s) 2010, 2011, 2012 and 2013

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment.

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
2108.08	22	6,200,000	(2010)	\$8,184.97
		5,250,000	(2011)	\$10,199.76
		4,750,000	(2012)	\$ 20,214.14
		4,500,000	(2013)	\$24,423.10
				Total
				\$63,021.97

Resolution 318-13 Tax Refund – Harold

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 the property taxes previously paid for the year(s) 2013,

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of William S. Winters attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1301	1.02	990,000	(2013)	\$ 2,097.28
Former owner:	Gregory and Melanie Harold		(73 days)	\$425.28
Current owner:	Christian and Judith Mamah		(287 days)	\$1,672.00
				Total
				\$2,097.28

Resolution 319-13 Tax Refund – Steliga – 563 Commerce Street

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 the property taxes previously paid for the year(s) 2011 and 2012,

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of Michael I Schneck, Trustee for Joseph Steliga, attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1404.01	2	3,935,300	(2011)	\$ 3,084.28
		3,603,000	(2012)	\$ 8,184.69
			Total	\$11,269.17

Resolution 320-13 Tax Refund – Steliga – 568 Commerce Street

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 the property taxes previously paid for the year(s) 2011 and 2012,

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment. The law firm of Michael I Schneck, Trustee for Joseph Steliga, attorney for plaintiff, and

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1404	11.02	2,647,600	(2011)	\$ 2,010.42
		2,400,000	(2012)	\$ 5,805.47
			Total	\$ 7,815.89

Resolution 321-13 Tax Refund – Godino

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 the property taxes previously paid for the year(s) 2011

WHEREAS, under N.J.S.A. 54:3-27.2 in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment.

NOW, THEREFORE, BE IT RESOLVED that the Treasure is 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 Reductions</u>		<u>Refund</u>
1201.02	7	1,400,000	(2011)	\$191.70

Resolution 322-13 Award Contract – Telecommunications Services POTS Line

WHEREAS, the Borough solicited proposals for telephone and internet services via POTS (“plain old telephone service”) lines and received proposals from four vendors; and,

WHEREAS, the Borough Administrator, by memo dated December 3, 2013, has recommended that the contract for these services be awarded to Granite Telecommunications, LLC, for the month to month price of \$796.29 per month in accordance its proposal;

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 Borough Administrator is hereby accepted and the contract for telephone and internet services via POTS lines be and is hereby awarded to Granite Telecommunications, LLC, for the month-to-month price of \$796.29 per month; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract, subject to review and approval of such documents by the Borough Attorney; and,

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

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Granite Telecommunications, LLC and the Chief Financial Officer.

Resolution 323-13 Award Contract – Telecommunications Services T1 Line

WHEREAS, the Borough solicited proposals for telephone and internet services via a T1 line and received proposals from six vendors; and,

WHEREAS, the Borough Administrator, by memo dated December 3, 2013, has recommended that the contract for these services be awarded to EarthLink, Inc., for the two year contract price of \$10,039.68 in accordance its proposal;

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 Borough Administrator is hereby accepted and the contract for telephone and internet services via a T1 line be and is hereby awarded to EarthLink, Inc., for the two year contract price of \$10,039.68; and,

BE IT FURTHER RESOLVED that the contract award authorized by this resolution is contingent upon formal appropriation of funds in each year's municipal budget; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract, subject to review and approval of such documents by the Borough Attorney; and,

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

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to EarthLink, Inc. and the Chief Financial Officer.

Resolution 324-13 Award Contract – Telecommunications Services Fire Siren

WHEREAS, the Borough solicited proposals for a multi-point circuit for the fire sirens lines and received proposals from two vendors; and,

WHEREAS, the Borough Administrator, by memo dated December 3, 2013, has recommended that the contract for these services be awarded to Monmouth Telecom, for the two year contract price of \$12,132 in accordance its proposal;

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 Borough Administrator is hereby accepted and the contract for a multi-point circuit for the fire sirens lines be and is hereby awarded to Monmouth Telecom, for the two year contract price of \$12,132; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract, subject to review and approval of such documents by the Borough Attorney; and,

BE IT FURTHER RESOLVED that the contract award authorized by this resolution is contingent upon formal appropriation of funds in each year's municipal budget; and,

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

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Monmouth Telecom and the Chief Financial Officer.

Resolution 325-13 Authorize Online Auction – DPW Equipment

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

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

- 1990 Smithco turf sweeper VIN# SW-30
- 2002 Simplicity tractor/broom VIN# 70048

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

BE IT FURTHER RESOLVED that the sale will be held on GovDeals, at www.govdeals.com; and,

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

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

Resolution 326-13 Budget Transfer

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the following 2013 Budget Transfers be made for the following accounts:

<u>From</u>	<u>From</u>	<u>To</u>
Group Medical Plan-Employees	\$58,000	
Engineering Services OE	\$10,256	
To		
Road Repairs & Maintenance OE		\$65,000

Administration OE - Postage	\$2,000
Municipal Court - Public Defender	\$300
Public Employees Retirement System	\$956
	\$68,256
	\$68,256

Resolution 327-13 Tree Removal Permit Denial – 726 Hickory Hill 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, Ahmad Baali, who resides at 726 Hickory Hill 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 denial of the application as set forth in the memo from the Shade Tree Commission dated November 26, 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, based on the recommendation of the Shade Tree Commission as set forth in its memo dated November 26, 2013, the tree removal application for 726 Hickory Hill Road be and is hereby denied; and,

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

Respectfully submitted,



Sally T. Bleeker, Borough Clerk