

**MEETING OF THE MAYOR AND COUNCIL
JANUARY 21, 2014
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, January 21, 2014 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 Cadicina, Councilmember Kahwaty, Councilmember Kelly and Councilmember Swist. Also present were Borough Administrator Greg Hart and Borough Attorney William T. Smith. Absent were Councilmember Lambrix and Council President Ramsey.

SUNSHINE LAW STATEMENT

Mayor Bivona read the Sunshine Law Statement.

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PROCLAMATION

Honoring Jim Webb

WHEREAS, James Thomas Webb is stepping down as President of the Franklin Lakes Fire Department, Inc. (the Fire Company) after serving in that capacity for the past 26 years; and,

WHEREAS, Jim started in the volunteer fire service with the River Edge Fire Department when he was 18 years old; and,

WHEREAS, Jim joined the Franklin Lakes Fire Department in 1972 and advanced through the ranks of Lieutenant, Captain, and Assistant Chief; and,

WHEREAS, Jim then served a Fire Chief for the years 1982 to 1984; and,

WHEREAS, Jim was chosen by the Fire Company as “Fireman of the Year” in 1989; and,

WHEREAS, since 1988, Jim has served with distinction and honor as President of the Fire Company;

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, do hereby honor and commend James Thomas Webb for his many years of outstanding service to the Franklin Lakes Fire Company, the Franklin Lakes Fire Department, and 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 21st day of January, 2014.

OPEN THE TIME FOR PUBLIC COMMENT

Motion to open the time for public comment was made by Councilmember Cadicina, 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 32-14

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 33-14 Accept Report of the Finance Committee
- Resolution 34-14 Facilities Use Permit – Franklin Lakes Lions Club Carnival
- Resolution 35-14 Franklin Lakes Fire Department By-Law Amendments
- Resolution 36-14 Stipulation of Settlement – Ghobadi
- Resolution 37-14 Sustainable Jersey Application
- Resolution 38-14 Hold Harmless Agreement – Sokasian
- Resolution 39-14 Professional Service Agreement – Appraisal Services
- Resolution 40-14 Professional Service Agreement – Bond Counsel
- Resolution 41-14 Professional Service Agreement – Borough Attorney
- Resolution 42-14 Professional Service Agreement – Borough Auditor
- Resolution 43-14 Professional Service Agreement – Borough Engineer
- Resolution 44-14 Professional Service Agreement – COAH Counsel
- Resolution 45-14 Professional Service Agreement – Labor Attorney
- Resolution 46-14 Professional Service Agreement – Professional Planning Services
- Resolution 47-14 Professional Service Agreement – Risk Manager
- Resolution 48-14 Professional Service Agreement – Tax Appeal Counsel
- Resolution 49-14 Professional Service Agreement – Borough Architect
- Resolution 50-14 Tax Refund – Gross
- Resolution 51-14 Tax Refund – Cortright
- Resolution 52-14 Tax Refund – Steliga
- Resolution 53-14 Tax Refund – Nathanson
- Resolution 54-14 Change Order #2 – 2013 Road Improvement Program
- Resolution 55-14 Bond Release – RCP Birch/Mill Brook Estates
- Resolution 56-14 Agreement – Bergen County Department of Health Services
- Resolution 57-14 Agreement – Valley Hospital Nursing Services
- Resolution 58-14 Agreement – Tyco Animal Control
- Resolution 59-14 Agreement – Well Child Care
- Resolution 60-14 Budget Transfer
- Resolution 61-14 Advertise for Bid-Franklin Lakes Nature Preserve Accessible Trails
- Resolution 62-14 Extend Contract IT Consultant
- Resolution 63-14 Purchase Mobile Computers Police Department-State Contract

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

Roll Call Vote:

- Ayes: Cadicina, Kahwaty (with exception), Kelly, Swist
 - Nays:
 - Abstain: Kahwaty – Resolution 34-14
 - Absent: Lambrix, Ramsey
- Motion Approved.

ACTION ON MINUTES

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

- December 3, 2013 Work Session
- December 17, 2013 Regular

Roll Call Vote:

- Ayes: Kahwaty, Kelly
- Nays:
- Abstain: Cadicina, Swist

Absent: Lambrix, Ramsey
Motion Approved.

OLD BUSINESS

At this time there was no Old Business to discuss.

NEW BUSINESS

Franklin Lakes Lions Club – Social Affairs Permit March 21, 2014 **Barnert Temple Men’s Club – Social Affairs Permit February 8, 2014**

There was no discussion in regards to the Social Affairs permits. Borough Administrator Hart just made the Mayor and Council aware of the applications.

Downgrade by Moody’s

Mayor Bivona advised that the Borough has been put on a watch for possible down grade by Moody’s. Moody’s has come out with new benchmarks and standards. There are two (2) areas in which the Borough is deficient. The first is the Borough’s high level of debt and the Borough’s lower level of surplus.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1580 for Introduction, and direct the Administrator to read by title was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

The Borough Administrator read the Ordinance by title only.

ORDINANCE 1580

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE PUBLIC ROADWAY KNOWN AS “SADDLE BACK TRAIL” IN THE BOROUGH OF FRANKLIN LAKES, WHICH IS NO LONGER REQUIRED FOR PUBLIC USE, TO THE ABUTTING PROPERTY OWNERS

WHEREAS, Ordinance 1580 was introduced at a meeting of the Mayor and Council held on the 21st day of January, 2014;

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 1580 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1580 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 18th day of February 2014 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 De Korte 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 1580; 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: Cadicina, Kahwaty, Kelly, Swist
Nays:

Abstain:
Absent: Lambrix, Ramsey
Motion Approved.

Move to take up consideration of Ordinance 1581 for Introduction, and direct the Administrator to read by title was made by Councilmember Cadicina, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Administrator read the Ordinance by title only.

ORDINANCE NO. 1581

**AN ORDINANCE SUPPLEMENTING CHAPTER 373
“PROPERTY MAINTENANCE” OF THE CODE OF
OF THE BOROUGH OF FRANKLIN LAKES TO REQUIRE
CLEARING OF SNOW AROUND HYDRANTS**

WHEREAS, Ordinance 1581 was introduced at a meeting of the Mayor and Council held on the 21st day of January, 2014;

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 1581 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1581 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 4th day of February 2014 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 De Korte 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 1581; 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 – Borough Attorney Smith asked that the Ordinance specifically read that a five foot area around the hydrant be maintained.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Swist
Nays:
Abstain:
Absent: Lambrix, Ramsey
Motion Approved.

CLOSED SESSION

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, January 21, 2014 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Litigation –Mount Laurel Litigation

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 Cadicina. On voice vote, all in favor.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 33-14 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 \$513,130.47 as shown on the Claims Bill List; \$2,068.75 as shown on the Soil Account Bill List and \$31.75 as shown on the Developers Escrow List.

Resolution 34-14 Facilities Use Permit – Franklin Lakes Lions Club Carnival

WHEREAS, the Lions Clubs of Franklin Lakes have requested the use of McBride Field, for its annual carnival to be held on June 16 to June 22, 2014; and,

WHEREAS, the Mayor and Council are satisfied that the proposal for use of Borough facilities meets the requirements of the Borough's field use ordinance;

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 Lions Clubs of Franklin Lakes are hereby granted permission to use McBride Field, for its annual carnival on June 16 to June 22, 2014, subject to: (1) a donation to the Franklin Lakes Beautification Fund and/or Public Safety Trust Fund; and (2) compliance with all other Borough ordinance requirements as determined by the Recreation and Parks Director; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Lions Clubs of Franklin Lakes and the Recreation and Parks Director.

Resolution 35-14 Franklin Lakes Fire Department By-Law Amendments

WHEREAS, Borough Code Section 42-13 provides that amendments to the Constitution and By-Laws of the Borough of Franklin Lakes Fire Department, Inc., must be approved by the Mayor and Council; and,

WHEREAS, the Borough of Franklin Lakes Fire Department, Inc. has submitted the following proposed amendments to its Constitution to the Mayor and Council for approval:

- Paragraph A of Article IV "Membership Classifications" is hereby amended to read as follows:

Active... Shall include all members on the State Quota and those eligible for the State Quota, but not included thereon. These members are expected to attain 50% attendance at fires and drills combined. Attendance percentage shall be computed on the basis of all fires and any two drills per month. An active member not meeting the percentage shall be reviewed by the membership committee and given the opportunity to make up the deficiency within one year by attending more than two drills per month and through extra duty posted by the chiefs. If the deficiency persists through the second year the membership committee shall make a recommendation to the department. A majority vote will determine the member's status.

- Section 2 of Article V "Officers" is hereby amended to read as follows:

Administrative Officers of this organization shall consist of President, Vice President, Corresponding Secretary, Recording Secretary, Financial Secretary, Treasurer, and five Trustees. No one may be nominated or hold an Administrative office unless he/she has

served as a regular member for 24 months in the Department, and has attended at least 6 meetings in the previous year.

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 proposed amendments to the Constitution of the Borough of Franklin Lakes Fire Department, Inc., be and are hereby approved; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Borough of Franklin Lakes Fire Department, Inc.

Resolution 36-14 Stipulation of Settlement – Ghobadi

Block: 3101.03
Lot: 1.05
Street Address: 310 Waterview Drive
Owner: Ghobadi, Fereydoon & Manijeh

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

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 these adjustments.

Tax Year: 2012

	Original <u>Assessment</u>	Tax Court <u>Judgment</u>
Land	\$ 476,700	\$ 476,700
Improvements	\$1,251,500	\$1,213,300
Total	\$1,728,200	\$1,690,000

Resolution 37-14 Sustainable Jersey Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and,

WHEREAS, the Mayor and Council of the Borough of Franklin Lakes strive to save tax dollars, assure clean land, air and water, improve working and living environments; and,

WHEREAS, the Borough of Franklin Lakes is participating in the Sustainable Jersey Program; and,

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and,

WHEREAS, the Mayor and Council of the Borough of Franklin Lakes has determined that the Borough of Franklin Lakes should apply for the aforementioned Grant;

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 authorize the submission of the aforementioned Sustainable Jersey Grant.

Resolution 38-14 Hold Harmless Agreement – Sokasian

WHEREAS, Aaron Sokasian, owner of Block 1106.06 Lot 9, in the Borough of Franklin Lakes, has applied to the Planning Board for permission to connect an overflow pipe from a recently installed drainage system to the Borough's storm system located in Penobscott Place; and

WHEREAS, the Engineer and Planning Board 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 Aaron Sokasian in a form prepared by the Borough Attorney.

Resolution 39-14 Professional Service Agreement – Appraisal Services

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 has agreed to provide appraisal services relative to the pending tax appeals within the Borough of Franklin Lakes as the Borough Appraiser in accordance with an Agreement effective January 1, 2014, for rates as set forth in his agreement dated November 25, 2013; and

WHEREAS, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. from making any reportable contributions through the term of the contract, 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 Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. 266 Harristown Rd. Glen Rock, NJ 07452-0067 as described herein; and,

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

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

Resolution 40-14 Professional Service Agreement – Bond Counsel

WHEREAS, the Borough of Franklin Lakes has a need to acquire Bond Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 through December 31, 2014; and

WHEREAS, Bernard S. Davis of Wolff Samson P.C. has submitted a proposal effective January 1, 2014 indicating he will provide Bond Counsel services for an amount as described in his agreement; and

WHEREAS, Bernard S. Davis of Wolff Samson P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Bernard S. Davis of Wolff Samson P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Bernard S. Davis of Wolff Samson P.C. from making any reportable contributions through the term of the contract, 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 Bernard S. Davis of Wolff Samson P.C., One Boland Drive, West Orange, NJ 07052, as described herein; and,

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

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

Resolution 41-14 Professional Service Agreement – Borough Attorney

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, William T. Smith, Esq. of Hook Smith & Meyer has agreed to provide legal services as Borough Attorney in accordance with an Agreement effective January 1, 2014, for an annual fixed fee of \$86,700.00, and for a billing rate of \$150 per hour, as described in said Agreement; and,

WHEREAS, William T. Smith, Esq. of Hook Smith & Meyer has completed and submitted a Business Entity Disclosure Certification which certifies that William T. Smith, Esq. of Hook Smith & Meyer has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit William T. Smith, Esq. of Hook Smith & Meyer from making any reportable contributions through the term of the contract, 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 William T. Smith, Esq. of Hook Smith & Meyer, 851 Franklin Lake Road, Franklin Lakes, NJ 07417, as described herein; and,

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

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

Resolution 42-14 Professional Service Agreement – Borough Auditor

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has agreed to provide auditing services as the Borough Auditor in accordance with an Agreement effective January 1, 2014, for rates as set forth therein, including a fee of \$29,400 for the annual audit,

WHEREAS, Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract, 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 Dieter P. Lerch, CPA, RMA, PSA of Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey, as described herein; and,

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

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

Resolution 43-14 Professional Service Agreement – Borough Engineer

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Kevin J. Boswell, PE of Boswell McClave Engineering has agreed to provide engineering services as the Borough Engineer in accordance with an Agreement effective January 1, 2014, for an annual retainer of \$29,649.00 plus hourly services ranging from \$63.00 to \$237.00 per hour as described in said Agreement; and,

WHEREAS, Kevin J. Boswell, PE of Boswell McClave Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Kevin J. Boswell, PE of Boswell McClave Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Kevin J. Boswell, PE of Boswell McClave Engineering from making any reportable contributions through the term of the contract, 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, PE of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, as described herein; and,

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

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

Resolution 44-14 Professional Service Agreement – COAH Counsel

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Jeffrey R. Surenian & Associates LLC has agreed to provide legal services as the Borough's Affordable Housing Counsel in accordance with an Agreement effective January 1, 2014, for a billing rate of \$175 per hour, as described in said Agreement; and,

WHEREAS, Jeffrey R. Surenian & Associates LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Jeffrey R. Surenian & Associates LLC has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Jeffrey R. Surenian & Associates LLC from making any reportable contributions through the term of the contract, 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 Jeffrey R. Surenian & Associates LLC, 707 Union Avenue, suite 301 Brielle, NJ 08730, as described herein; and,

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

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

Resolution 45-14 Professional Service Agreement – Labor Attorney

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has agreed to provide legal services as the Borough's Labor Counsel in accordance with an Agreement effective January 1, 2014, for a billing rate of \$160 per hour, as described in said Agreement; and,

WHEREAS, Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C. from making any reportable contributions through the term of the contract, 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 Mark S. Ruderman, Esq. of Ruderman & Glickman, P.C., 675 Morris Avenue, Suite 100, Springfield, New Jersey, as described herein; and,

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

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

Resolution 46-14 Professional Service Agreement – Professional Planning Services

WHEREAS, the Borough of Franklin Lakes has a need to acquire a Professional Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 through December 31, 2014; and

WHEREAS, Elizabeth McManus of Clarke Caton Hintz has submitted a proposal effective January 1, 2014 indicating she will provide Professional Planning services for an amount as described in her agreement dated November 26, 2013; and

WHEREAS, Elizabeth McManus of Clarke Caton Hintz has completed and submitted a Business Entity Disclosure Certification which certifies that Elizabeth McManus of Clarke Caton Hintz has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Elizabeth McManus of Clarke Caton Hintz from making any reportable contributions through the term of the contract, 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 Elizabeth McManus of Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08609, as described herein; and,

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

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

Resolution 47-14 Professional Service Agreement – Risk Manager

WHEREAS, the Borough of Franklin Lakes has a need for the provision of Risk Manager services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, the firm of PIA McCarthy Forde has agreed to provide services as the Borough's Risk Manager in accordance with an Agreement effective January 1, 2014, for a billing rate in an amount equal to six percent (6%) of the Municipality's annual assessment as promulgated by the Fund, as described in said Agreement; and,

WHEREAS, the firm of PIA McCarthy Forde has completed and submitted a Business Entity Disclosure Certification which certifies that PIA McCarthy Forde has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit PIA McCarthy Forde from making any reportable contributions through the term of the contract, 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 the firm of PIA McCarthy Forde, 429 Hackensack St., P.O. Box 818, Carlstadt, New Jersey, 07072, as described herein; and,

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

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

Resolution 48-14 Professional Service Agreement – Tax Appeal Counsel

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is from January 1, 2014 to December 31, 2014; and,

WHEREAS, Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has agreed to provide legal services as the Borough's Tax Appeal Counsel in accordance with an Agreement effective January 1, 2014, for a billing rate of \$150.00 per hour, as described in said Agreement; and,

WHEREAS, Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has completed and submitted a Business Entity Disclosure Certification which certifies that Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. has not made any reportable contributions to a political or candidate committee in the Borough of Franklin Lakes in the previous one year, and that the contract will prohibit Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P. from making any reportable contributions through the term of the contract, 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 Steven D. Muhlstock Esq. of Gittleman, Muhlstock & Chewcaskie, L.L.P 2200 Fletcher Avenue 9W Office Center, Fort Lee, NJ 07024, as described herein; and,

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

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

Resolution 49-14 Professional Service Agreement – Borough Architect

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

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

WHEREAS, the anticipated contract is from January 1, 2014 to December 31, 2014; and

WHEREAS, Arcari & Iovino Architects, PC has submitted a proposal dated November 25, 2013 indicating they will provide Architectural Services as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

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

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

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

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

Resolution 50-14 Tax Refund – Gross

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.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer 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>
2304.06	8	1,981,300 (2012)	\$ 1553.00

Resolution 51-14 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) 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>
2108.08	22	5,250,000 (2011) Paid by ck#53743	\$12,524.58 <u>\$10,199.76</u>

Balance Due \$ 2,324.82

Resolution 52-14 Tax Refund – Steliga

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.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer 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	3,603,000 (2013)	\$ 8,312.82

Resolution 53-14 Tax Refund – Nathanson

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.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer 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>
2701.01	1	521,700 (2013)	\$ 2,405.57

Resolution 54-14 Change Order #2 – 2013 Road Improvement Program

WHEREAS, by Resolution adopted on May 8, 2013, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$953,314.90 to D&L Paving Contractors, 681 Franklin Avenue, Nutley, New Jersey, hereinafter referred to as “the Contractor”, for the Borough’s 2013 Road Program; and,

WHEREAS, by resolution adopted on July 16, 2013, the Mayor and Council approved Change Order #1, which decreased the amount of the contract by \$4,299.27, for an amended contract amount of \$949,015.63;

WHEREAS, the Borough Engineer has submitted Change Order #2, which increases the amount of the contract by \$31,088.40 for an amended contract amount of \$980,104.03, which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #2 is hereby authorized and approved for the 2013 Road Program, for a contract increase of \$31,088.40 for an amended contract amount of \$980,104.03; and,

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

Resolution 55-14 Bond Release – RCP Birch/Mill Brook Estates

WHEREAS, the property at Block 2709, Lot 18, was being developed by Millbrook Development, LLC, and has now transferred all of its rights and interest in this development to RCP Birch Road LLC; and

WHEREAS, the bonds previously provided to the Borough of Franklin Lakes by Millbrook Development, LLC, have been replaced by bonds from RCP Birch Road, LLC, including a Performance Bond and a Maintenance Bond; and

WHEREAS, the new bonds provided by RCP Birch Road, LLC, have been reviewed and approved by Boswell McClave Engineering, the Borough Engineers and also approved by John Spizziri, Planning Board attorney; and therefore

IT IS HEREBY RESOLVED that the Borough Clerk is authorized to release Performance Bond #3769002-A and Maintenance Bond #3769002-B posted by Millbrook Development, LLC, said bonds having now been replaced by Performance Bond #DSG0000719 in the amount of \$199,200.00 and the Maintenance Bond in the amount of \$60,600.00 which becomes effective upon release of the Performance Bond.

Resolution 56-14 Agreement – Bergen County Department of Health Services

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the 2014 contract agreement for Health Officer Coverage, Sanitarian Services, Blood Borne Pathogen compliance program and Employee Assistance Program with the Bergen County Department of Health Services as follows: Health Officer coverage, four (4) days per week Sanitarian services, Blood Borne Pathogen compliance program and the Employee Assistance Program the total cost of the agreement is \$65,427.60 as approved by the Franklin Lakes Board of Health be signed by the Mayor and Borough Clerk.

Resolution 57-14 Agreement – Valley Hospital Nursing 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 execute an agreement for the year 2014 as recommended by the Borough of Franklin Lakes Board of Health with the Valley Hospital for public health nursing \$2,649.57 and 2014 communicable disease management \$3,128.58 for a total contract cost of \$5,778.15.

Resolution 58-14 Agreement – Tyco Animal Control

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the 2014 animal control services contract agreement between the Borough of Franklin Lakes and Tyco Animal Control Services in the amount of \$12,300.00 and \$60.00 for after hours calls be signed by the Mayor and Borough Clerk as approved by the Board of Health.

Resolution 59-14 Agreement – Well Child Care

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 interlocal agreement with the Borough of Waldwick pertaining to the provision of Well Child Care services by the Borough of Waldwick for the year 2014.

Resolution 60-14 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>
Engineering Services OE	6,000	
Police S&W	17,000	
To		
Road Repairs & Maintenance OE		10,770
Public Buildings & Grounds		11,330
Vehicle Maintenance OE		900
	<u>23,000</u>	<u>23,000</u>

Resolution 61-14 Advertise for Bid-Franklin Lakes Nature Preserve Accessible Trails

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that the Borough Administrator be authorized to advertise for bids for construction of the Franklin Lakes Nature Preserve Accessible Trails

Resolution 62-14 Extend Contract IT Consultant

WHEREAS, by resolution adopted on February 19, 2013, the Mayor and Council of the Borough of Franklin Lakes awarded a service contract to support the Borough’s information technology systems to All In One Computers, Inc., 46 Davenport Road, Montville, New Jersey; and,

WHEREAS, the contract award permits the extension of the contract for two additional one year periods; and,

WHEREAS, based on overall satisfaction with the services provided, the Borough Administrator has recommended the extension of the contract for an additional one year period, from February 19, 2014 to February 18, 2015;

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 service contract to support the Borough’s information technology systems with All In One Computers, Inc., be and is hereby extended for an additional one year period, from February 19, 2014 to February 18, 2015; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to All In One Computers, Inc.

Resolution 63-14 Purchase Mobile Computers Police Department-State Contract

WHEREAS, the Borough of Franklin Lakes wishes to purchase three (3) Panasonic CF-31 Tough-Book mobile laptop computers for the Franklin Lakes Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; 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 A75583 for Panasonic CF-31 Tough-Book mobile laptop computers; 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 three (3) Panasonic CF-31 Tough-Book mobile laptop computers and additional required equipment, installation, and warranty as described in the quote, for a total cost of \$13,957.56; 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 three (3) Panasonic CF-31 Tough-Book mobile laptop computers for the Franklin Lakes Police Department with additional required equipment are purchased from GTBM, 351 Paterson Avenue, East Rutherford, NJ 07073.

Respectfully submitted,

A handwritten signature in black ink that reads "Sally T. Bleeker". The signature is written in a cursive, flowing style.

Sally T. Bleeker, Borough Clerk