

**MEETING OF THE MAYOR AND COUNCIL  
FEBRUARY 18, 2014  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on Tuesday, February 18, 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 via phone, Councilmember Kelly, Councilmember Lambrix, Council President Ramsey and Councilmember Swist. Also present were Borough Administrator Greg Hart and Borough Attorney William T. Smith.

**SUNSHINE LAW STATEMENT**

Mayor Bivona read the Sunshine Law Statement.

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PROCLAMATION**

**Honoring Patrolman Robert Smith**

**WHEREAS**, Patrolman Robert Smith has retired from the Franklin Lakes Police Department effective February 1, 2014; and,

**WHEREAS**, Patrolman Smith served dutifully and with distinction with the Police Department for over 25 years, having been appointed to the Department on August 15, 1988; and,

**WHEREAS**, during his career with the Police Department, Patrolman Smith acted in a number of capacities, including the following:

- Senior Patrol Officer;
- Member of the Bergen County Rapid Deployment Force; and
- Departmental Field Training Officer;

**WHEREAS**, Patrolman Smith was the recipient of a Mayor and Council commendation for exceptional service and three PBA citations during his career, including childbirth and lifesaving awards; and,

**WHEREAS**, Patrolman Smith was known to all as a dedicated and loyal police officer;

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

**IN WITNESS HEREOF**, I have hereunto set my Hand and caused the Seal of the Borough of Franklin Lakes to be affixed this 18<sup>th</sup> day of February, 2014.

**APPOINTMENT**

**Anthony Shakkour – Franklin Lakes Fire Department**

Motion to appoint Anthony Shakkour to the Franklin Lakes Fire Department was made by Council President Ramsey and seconded by Councilmember Swist.

Roll Call Vote:

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

**ORDINANCES FOR FINAL READING AND ADOPTION**

**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**

*Summary – This ordinance would transfer a portion of a cul-de-sac bulb on Saddle Back Trail that is no longer required for public use to the adjoining property owners.*

**WHEREAS**, an ordinance 1580 was introduced at a meeting of the Mayor and Council held on the 21<sup>st</sup> day of January, 2014 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 1580 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 Lambrix to take up Ordinance No. 1580 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.

The Borough Clerk read the Ordinance by title only.

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

No one from the public came forward at this time.

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

Resolution read by Mayor Bivona and introduced by Councilmember Lambrix, seconded by Councilmember Kelly. Discussion – None.

Roll Call Vote:

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

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Debra Fabio, 1016 Dogwood Trail, Franklin Lakes. Came forward to express her concerns in regards to spiked fences. She has seen several deer become impaled on these fences and is now concerned that a child may be hurt. She said the spikes are almost like blades.

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

**CONSENT RESOLUTION 72-14**

**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 73-14 | Accept Report of the Finance Committee                     |
| Resolution 74-14 | Tax Refund – Becton Dickinson                              |
| Resolution 75-14 | Opposing Cell Tower Regulations                            |
| Resolution 76-14 | Facilities Use Permit – X-Treme LAX Factory                |
| Resolution 77-14 | Facilities Use Permit – Triathlon                          |
| Resolution 78-14 | Supporting Extension of Cap on Interest Arbitration Awards |
| Resolution 79-14 | Approve Agreement – Certified Recycling Professional       |
| Resolution 80-14 | Shared Services Agreement – Court Teleconferencing         |
| Resolution 81-14 | Agreement – Valley Hospital Flu Clinic                     |
| Resolution 82-14 | Stipulation of Settlement – Sabra                          |
| Resolution 83-14 | Emergency Temporary Appropriation                          |
| Resolution 84-14 | Budget Transfers   |

Resolution read by Mayor Bivona and introduced by Councilmember Kelly, seconded by Council President Ramsey.

Roll Call Vote:

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

**ACTION ON MINUTES**

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

- January 1, 2012 Reorganization
- January 7, 2014 Worksession
- January 21, 2014 Regular

Roll Call Vote:

- Ayes: Cadicina, Kahwaty, Kelly, Lambrix (with exceptions), Ramsey (with exceptions), Swist  
Nays:  
Abstain: Lambrix – January 21, 2014 Regular; Ramsey – January 21, 2014  
Absent:  
Motion Approved.

**OLD BUSINESS**

Councilmember Lambrix asked if we have heard back from Mr. Gabrellian regarding the corridor study. Mr. Hart said he did review it and will get updates from him shortly on his efforts.

Councilmember Lambrix asked about ethics training. Mr. Hart said you can do the course online and it saves the Borough \$250.00 per person who takes it.

Mr. Hart distributed information regarding the Synergy Project. The Borough would work with the Board of Education and Library. The Borough will discuss with the other boards to adopt some resolutions. Mayor Bivona advised that a task force would put in place and the group would meet to discuss efficiencies and savings. The group would report back to their respective boards. The Mayor and Mr. Hart will attend a school board meeting and library board meeting.

Council President Ramsey said she did have some suggestions for the Guiding Principles. Mr. Hart advised that it will be discussed at the next Work Session.

## **NEW BUSINESS**

Mayor Bivona asked Borough Attorney Smith to review some correspondence from County Executive, Kathleen Donovan, regarding S.W.A.T. teams. Mayor Bivona is asking Attorney Smith for his legal opinion. Mr. Hart said he will run it by the risk manager.

## **INTRODUCTION OF ORDINANCES ON FIRST READING**

Move to take up consideration of Ordinance 1582 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

### **ORDINANCE 1582**

#### **AN ORDINANCE SUPPLEMENTING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PROHIBIT DANGEROUS FENCES**

**WHEREAS**, Ordinance 1582 was introduced at a meeting of the Mayor and Council held on the 18<sup>th</sup> day of February 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 1582 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1582 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 18<sup>th</sup> day of March 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 DeKorte Drive, Franklin Lakes, New Jersey, at which time and place all persons who may be interested will be given an opportunity to be heard regarding Ordinance 1582; 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 by Mayor Bivona and introduced by Councilmember Lambrix, seconded by Council President Ramsey. Discussion – Councilmember Kahwaty asked if the ordinance was prospective. Mayor Bivona and Mr. Hart said that it was. Borough Attorney Smith said he will review the current ordinance to see if it can be applied to the resident’s concerns on Dogwood Trail. Further discussion ensued regarding what the definition of a spiked fence is. Mr. Hart reviewed the current ordinance. The new ordinance is prohibiting new applicants from erecting spiked fences.

#### Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey, Swist

Nays:

Abstain:

Absent:  
Motion Approved.

Move to take up consideration of Ordinance 1583 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Cadicina, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

### **ORDINANCE 1583**

#### **AN ORDINANCE SUPPLEMENTING CHAPTER 356 “PARKS AND PUBLIC LANDS” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO PERMIT AND REGULATE BOATING AT THE FRANKLIN LAKES NATURE PRESERVE**

**WHEREAS**, Ordinance 1583 was introduced at a meeting of the Mayor and Council held on the 18<sup>th</sup> day of February 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 1583 be and the same is hereby introduced on First Reading; and,

**BE IT FURTHER RESOLVED** that said Ordinance 1583 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 18<sup>th</sup> day of March 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 DeKorte Drive, Franklin Lakes, New Jersey, at which time and place all persons who may be interested will be given an opportunity to be heard regarding Ordinance 1583; 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 by Mayor Bivona and introduced by Councilmember Lambrix, seconded by Councilmember Kelly. Discussion – Mr. Hart advised that he spoke with the risk manager who said the Borough would not need to license any boats. The water quality expert only had general concerns such as invasive species that may be on the bottom of unclean boats. Mr. Hart said signs could be used to ask people to clean the bottom of the boats.

Council President Ramsey mentioned signage that she had seen in Waldwick. She wanted to know what other towns were doing.

Mayor Bivona wanted to be sure the Council was alright with the dates of boating being from April until September. After a quick consensus everyone agreed with the April until September date.

Council President Ramsey made a motion to table the ordinance to fine tune it. She felt that more information was needed. There was no second. Councilmember Lambrix said there is time between the introduction and adoption to gather more information.

#### Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Swist  
Nays: Ramsey  
Abstain:  
Absent:  
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, February 18, 2014

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

Closed meeting issues:

- Pending Litigation – Express Scripts Tax Appeal
- Anticipated Litigation – DeBoer Brothers Tree Issue

**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 Lambrix, seconded by Council President Ramsey. On voice vote, all in favor.

**ADJOURNMENT**

Motion to adjourn the meeting at 9:00 p.m. was made by Councilmember Cadicina, seconded by Councilmember Lambrix. On voice vote, all in favor.

**Resolution 73-14     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 \$1,344,463.99 as shown on the Claims Bill List and \$49.25 as shown on the Soil Account Bill List.

**Resolution 74-14     Tax Refund – Becton Dickinson**

**WHEREAS**, overpayments were received on several accounts during 1st quarter 2014 and,

**WHEREAS**, Becton Dickinson is seeking refunds on tax payments made on 4 parcels in which properties were sold to new residents and,

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer is authorized to issue a check in the amount listed below and to be current year’s taxes.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
1424.01	13	\$1,696.00	\$1,696.00
1424.01	14	\$1,705.00	\$1,705.00
2401.02	1.01	\$ 97.00	\$ 97.00
1424.01	4	\$2,245.00	<u>\$2,245.00</u>
		Total	\$5,743.00

Becton Dickinson  
c/o Karen Demarinis, Director Real Estate  
1 Becton Dickinson, MC 112  
Franklin Lakes, NJ 07417

**Resolution 75-14     Opposing Cell Tower Regulations**

**WHEREAS**, the Borough of Franklin Lakes is a municipality located in the County of Bergen and State of New Jersey; and,

**WHEREAS**, the Borough has a population of approximately 10,590, and covers an area of approximately 10 square miles; and,

**WHEREAS**, the Mayor and Council of the Borough recognize the importance of broadband for the future well-being of our community, and as such, recognize the importance of working with

providers of broadband services to deploy necessary infrastructure to make these services available, in a timely manner that meets the legitimate needs of all interested parties; and,

**WHEREAS**, the Borough has generally had a positive relationship with those entities seeking to deploy broadband facilities in this jurisdiction, and applications for land use authority and permitting are generally completed in a timely manner; and

**WHEREAS**, when issues have arisen that take additional time in processing applications, these issues are worked out collaboratively between the applicant and the Borough; and,

**WHEREAS**, the Mayor and Council are aware of the rulemaking proceeding before the Federal Communications Commission (the “Commission” or “FCC”), In the Matter of: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies (WT Docket No. 13-238); Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting (WC Docket No. 11-59); Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers (RM-11688 (terminated)); and 2012 Biennial Review of Telecommunications Regulations (WT Docket No. 13-32) (the “NPRM”), where the Commission is considering the possibility of adopting federal rules to define terms under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, where such rules might dictate what kinds of structures will be considered “towers” and “base stations” and when localities must automatically grant approval of applications to collocate new facilities on these structures; and,

**WHEREAS**, in the Borough’s experience, there is no need for federal mandates in this area, and we believe the Commission can be more effective serving in an educational role and in encouraging government and industry to work together in establishing and promoting best practices for deployment of wireless facilities;

**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 request that the Commission refrain from adopting specific rules, and instead, provide general guidance, education, and serve as a facilitator for government and industry to develop best practices.

**BE IT FURTHER RESOLVED** that, if the Commission does see fit to adopt rules governing terms like “wireless towers” and “base stations,” those terms should be given narrow, commonly understood, dictionary meanings, and not be expanded to include other kinds of structures that are not generally considered towers, and should not determine that individual pieces of equipment that together form a base station be considered independently as base stations.

**BE IT FURTHER RESOLVED** that, if the Commission chooses to define “substantially change the physical dimensions” of a tower or base station, it should not limit its definition to an increase in height of a certain amount or the other broad criteria set forth in the rulemaking. Rather, substantiality should be considered on a case by case basis at the local level, taking into account whether the proposed change is consistent with the original conditions of approval for the site, its compliance with applicable building and safety codes, its compliance with environmental and historical designation regulations, its compliance with federal regulations like the Commission’s radio frequency regulations and the Federal Aviation Administration’s height limitations, and any other similar provision of applicable law. A change that is inconsistent with these requirements should be considered one that substantially changes the physical dimensions of the site.

**BE IT FURTHER RESOLVED** that we encourage the Commission to heed the recommendations of the national local government associations that are filing Comments in this proceeding, Recommendation 2013-13 of the Commission’s Intergovernmental Advisory Committee (dated December 2, 2013), and the Comments of other local governments that are addressing these issues in more detail, and those that have identified the Constitutional limitations precluding the adoption of broad preemptory rules.

**BE IT FINALLY RESOLVED** that the Borough Clerk is directed to file this Resolution with the Federal Communications Commission in WT Docket No. 13-238.

**Resolution 76-14      Facilities Use Permit – X-Treme LAX Factory**

**WHEREAS**, the X-Treme LAX Factory has requested the use of Borough facilities, Pulis Field, for its Lacrosse Camp to be held July 14, 2014 through July 18, 2014;

**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 X-Treme LAX Factory is hereby granted permission to use Borough facilities, for its Lacrosse Camp to be held July 14, 2014 through July 18, 2014; subject to 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 X-Treme LAX Factory.

**Resolution 77-14      Facilities Use Permit – Triathlon**

**WHEREAS**, the Wyckoff Family YMCA has requested the use of Borough facilities, for its annual Wyckoff-Franklin Lakes Triathlon to be held on June 14, 2014;

**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 Wyckoff Family YMCA is hereby granted permission to use Borough facilities, for its annual Wyckoff-Franklin Lakes Triathlon on June 14, 2014, subject to 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 Wyckoff Family YMCA and the Recreation and Parks Director.

**Resolution 78-14      Supporting Extension of Cap on Interest Arbitration Awards**

**WHEREAS**, on December 21, 2010, Governor Christie signed into law reforms to the arbitration process that took effect January 1, 2011; and,

**WHEREAS**, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and,

**WHEREAS**, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and,

**WHEREAS**, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and,

**WHEREAS**, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and,

**WHEREAS**, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and,

**WHEREAS**, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and,

**WHEREAS**, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and,

**WHEREAS**, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey strongly urge the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and,

**BE IT FURTHER RESOLVED** that a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Senator Kevin O'Toole, Assemblyman Scott Rumana, Assemblyman David Russo, Governor Chris Christie, the New Jersey State League of Municipalities, and the 13 northwest Bergen County municipalities.

**Resolution 79-14 Approve Agreement – Certified Recycling Professional**

**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 a Service Agreement with the Bergen County Utilities Authority for a Certified Recycling Professional for the year 2014 after review and approval by the Borough Attorney.

**Resolution 80-14 Shared Services Agreement – Court Teleconferencing**

**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 a Shared Services Agreement for the year 2014 with the Village of Ridgewood to provide Municipal Court Teleconferencing Equipment and Services for the purpose of Arraigning Prisoners, after review and approval by the Borough Attorney.

**Resolution 81-14 Agreement – Valley Hospital Flu Clinic**

**WHEREAS**, by resolution adopted on January 21, 2014, the Mayor and Council of the Borough of Franklin Lakes awarded an agreement for the year 2014 to Valley Hospital for certain services as specified therein, for a total contract cost of \$5,778.15; and,

**WHEREAS**, some of the services anticipated in the original contract proposal from Valley Hospital are being provided under the Borough's contract with the County of Bergen for health services; and,

**WHEREAS**, the January 21 resolution should be corrected to provide for a contract award to Valley Hospital for nursing services for the Borough's flu clinic in the amount of \$508.05;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes the January 21, 2014 resolution awarding an agreement to Valley Hospital for a total contract cost of \$5,778.15 be and is hereby rescinded; and,

**BE IT FURTHER RESOLVED** that an agreement is hereby awarded to Valley Hospital for nursing services for the Borough's flu clinic for 2014 in the amount of \$508.05.

**Resolution 82-14 Stipulation of Settlement – Sabra**

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

**Block: 1518**  
**Lot: 100**  
**Street Address: 795 Franklin Avenue**  
**Owner: Sabra Realty Assoc.**

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

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

**Tax Year: 2011 – Withdrawn**

**Tax Year: 2012**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,602,400	\$1,602,400
Improvements	\$5,500,900	\$5,500,900
Total	\$7,103,300	\$7,103,300

**Tax Year: 2013**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,602,400	\$1,602,400
Improvements	\$5,500,900	\$4,797,600
Total	\$7,103,300	\$6,400,000

**Tax Year: 2014**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$1,602,400	\$1,602,400
Improvements	\$5,500,900	\$4,397,600
Total	\$7,103,300	\$6,000,000

**Resolution 83-14 Emergency Temporary Appropriation**

**WHEREAS**, the CY 2014 budget has not been adopted, and adequate provisions could not be made in the CY 2014 temporary budget to provide necessary funding for certain ongoing operations of the Borough of Franklin Lakes; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the aforementioned purpose; and

**WHEREAS**, the total emergency temporary resolutions adopted in CY 2014 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution totals \$212,400.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, New Jersey, that in accordance with provisions of N.J.S.A. 40A:4-20:

1. That emergency temporary appropriations be and the same are hereby made for:

Other Expenses: Road Repairs & Maintenance OE	\$100,000.00
Police OE	10,000.00
Tax Collection OE	1,000.00
Environmental Commission OE	400.00

2. That said emergency temporary appropriations be provided for in the CY 2014 adopted budget.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**Resolution 84-14 Budget Transfers**

**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>
Liability Insurance BC JIF	3,289	
Volunteer Fire/Accident	2,215	
Recreation/Other Policies	367	
Planning Board OE	4,700	
Plumbing Inspector S&W	7,300	
<b>To</b>		
		Workmen's Compensation BC JIF 5,871
		Engineering Services OE 12,000
	<u>17,871</u>	<u>17,871</u>

Respectfully submitted,



Sally T. Bleeker, Borough Clerk