

MEETING OF THE MAYOR AND COUNCIL

May 20, 2014

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, May 20, 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, Councilmember Lambrix, Councilmember Swist and Council President Ramsey. Also present were Borough Administrator Greg Hart, Borough Clerk Sally Bleeker and Borough Attorney William T. Smith.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

PROCLAMATION

**Supporting the *Click It or Ticket* Mobilization of
May 19 – June 1, 2014**

WHEREAS, there were 545 motor vehicle fatalities in New Jersey in 2013; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 19 – June 1, 2014 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 92%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

THEREFORE, be is resolved that the Borough of Franklin Lakes declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 19 – June 1, 2014 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

At this time, Mayor Bivona also advised it was National EMT Week. He thanked our volunteers for their time and dedication.

APPOINTMENT

Meena Sivakumar – Tax Collector

Motion to appoint Meena Sivakumar as Tax Collector was made by Councilmember Kahwaty and seconded by Councilmember Cadicina.

Roll Call Vote:

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

At this time, Greg Hart, Borough Administrator listed Mrs. Sivakumar’s many certifications and many positions which she has held in the Borough. Mr. Hart read a letter of congratulations from former Borough Administrator, Bob Hoffmann.

The Mayor and Council thanked Mrs. Sivakumar for all of her hard work.

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1589

AN ORDINANCE AUTHORIZING THE SALE OF PAPER STREETS OFF OLDWOODS ROAD TO ABUTTING PROPERTY OWNERS

Summary – This ordinance authorizes the sale of one “paper street” which is not needed for a public purpose to the abutting property owners.

WHEREAS, Ordinance 1589 was introduced at a meeting of the Mayor and Council held on the 17th day of April, 2014 and duly published by law; and,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1589 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. 1589 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Cadicina. 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 Swist. 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 Kelly. On voice vote, all in favor.

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

Roll Call Vote:

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

Abstain:
Absent:
Motion Approved.

ORDINANCE 1590

AN ORDINANCE AMENDING CHAPTER 144 “ALCOHOLIC BEVERAGES”, CHAPTER 247 “FEES” AND CHAPTER 362 “PEDDLING AND SOLICITING” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO UPDATE CERTAIN FEES

Summary – This ordinance amends various fees including liquor license fees and recreation program fees

WHEREAS, an ordinance 1590 was introduced at a meeting of the Mayor and Council held on the 17th day of April, 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 1590 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 Swist to take up Ordinance No. 1590 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 Swist. 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 Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Mr. Hart explained that the “Peddling and Soliciting” part was amended to say “shall not include finger printing and processing”.

Roll Call Vote:

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

ORDINANCE 1591

A BOND ORDINANCE AUTHORIZING STREET IMPROVEMENTS AND A REMEDIATION STUDY BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING AN AGGREGATE AMOUNT OF \$693,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$193,000 IN AGGREGATE PRINCIPAL AMOUNT OF BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

Summary – This ordinance appropriates \$650,000 for the 2014 Road Program and \$43,000 for a Remediation Report required by the NJDEP, the cost of which will be reimbursed by the NJDEP.

WHEREAS, an ordinance 1591 was introduced at a meeting of the Mayor and Council held on the 17th day of April, 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 1591 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. 1591 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 Council President Ramsey. 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 Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Cadicina. Discussion – Councilmember Lambrix inquired about the \$43,000 reimbursement for the remediation study. Borough Administrator Greg Hart will check with the DEP for an update.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCE 1592

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 411
“SOLID WASTE; RECYCLING” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES PERTAINING TO RECYCLING OF PLASTICS**

Summary – This ordinance amends certain provisions of the Borough’s recycling ordinance to clarify what must be recycled.

WHEREAS, an ordinance 1592 was introduced at a meeting of the Mayor and Council held on the 17th day of April, 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 1592 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 Cadicina to take up Ordinance No. 1592 for consideration of adoption on second and final reading, and direct the Clerk to read by title, seconded by Councilmember Kahwaty. 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 Lambrix, seconded by Councilmember Cadicina. 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 Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution read and introduced by Councilmember Cadicina, seconded by Councilmember Kahwaty. 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 Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Kathy Stack – 206 Park Road. Came forward to ask if the Wyckoff YMCA proposal will be made public. Borough Administrator, Greg Hart, said that it will be available tomorrow on the Borough's website.

Mrs. Stack also wanted to know what constituted the \$50,000 loss at the recreation center and what has the Borough tried to do to fix the problem. Mayor Bivona said that the equipment is old and there is a lack of facility use. The Borough has tried to promote the facility but there has not been much success. This is outside the Recreation sports programs. Mrs. Stack does not feel that the Recreation Center has been properly promoted. He explained that the facility is old and the hours are restricted because of budget constraints. They chose to partner with the YMCA because they can help expand the facility and the hours. The Mayor further explained that there will be updated bathrooms and equipment and a "tot drop". There will be offices on the main floor of the building. The Recreation Director and the Assistant Recreation Director will only have to focus on Franklin Lakes recreation sports.

Mrs. Stack also had concerns about erosion on her private street, Park Road. Mr. Hart said he will follow up with the Borough Engineer, Boswell McClave.

Melissa Cantor – 751 Peach Tree Lane. Mrs. Cantor came forward to say that she is very upset with what is happening at the Recreation Center. She questioned why the YMCA is going to put almost \$1 million dollars into the building. Mayor Bivona explained that the Borough is leasing the building to them and they are going to make improvements to the building in exchange for a 10 year lease. There will no impact to Recreation. The YMCA will be providing the programming service that is far in excess of what the Borough can provide. Mrs. Cantor said that as a resident she is uncomfortable with the lease.

Nancy Keller – 53 Bentley Drive. Mrs. Keller thought the YMCA would have to generate a lot of activity to break even on the cost. She came forward to express her concern in regards to the parking. Mayor Bivona explained that the existing use of the building will not change and that 35 additional parking spaces were added this year. The traffic that occurs now is more about football games, soccer and baseball tournaments. The Mayor said the YMCA will coordinate with the Borough to make sure they do not book classes during big town events. Mrs. Keller asked if there are further plans to increase parking. The Mayor said there are no current plans for the future.

John Aramini – 2 Valen Court. He is a member of the YMCA and it is very successful. He is concerned about a daycare being run out of the building. The Mayor said there will not be a daycare at our location. The Mayor said there will be a membership preference to Franklin

Lakes residents. Mr. Aramini asked if there was going to be a separate membership fee for Franklin Lakes residents.

Barbara DiLillo – 984 Valley Road. She came forward to say that she used the recreation center for 15 years and that things are not run properly. She said there are many occasions where no one is at the front desk and closely watching who is coming in. Mayor Bivona explained to Mrs. DiLillo that she was exactly correct. The Borough does not have enough people to man the building to make it run better. Mrs. DiLillo asked if the Recreation Center will be closed during renovation. The Mayor said there will be a transition plan allowing for continued usage of the site. The current instructors will have the opportunity to work for the YMCA.

Kathy Stack – 206 Park Road. Mrs. Stack asked what amount of time employees spend working on the community center versus the sports programs in other towns. She wanted to know what other towns spend on their recreation center. Mayor Bivona said it's hard to compare to other towns. Other towns have more volunteers. The Borough's Recreation sports activities pay for themselves. There are 3,000 children that participate in the Recreation sports.

Councilmember Kelly said that they negotiated with the YMCA for over a year on a good agreement that works for our community.

Mrs. Stack is more concerned about the current situation. Mayor Bivona agrees with what she is saying. She wanted to be sure that the current staff is being used to their full potential. Mayor Bivona said they are. Mayor Bivona said she will be happy with the outcome of all of this and he understands her doubt.

Rita Schrader – 67 Bentley Drive. She asked when a copy of the lease agreement will be available. Mr. Hart said tomorrow on the website. She wanted to know if there is a restriction on the occupancy. Mayor Bivona said the fire code dictates that. She foresees traffic increasing. Mayor Bivona said that traffic will increase since we want to expand our programs. Mayor believes this will enhance the community. Parking is not an issue because the lot has been expanded. The Mayor further explained that the traffic and parking problems come from events that happen now. Mrs. Schrader asked if the YMCA is going to hold any events such as appreciation days that could bring in 4,000 people. Mayor Bivona said that they would have to ask the Council for permission and it would be impossible to have 4,000 people at the Recreation Center. The YMCA would have to get the Council's permission to use the facilities just like any organization has to now. She asked if there will be a traffic study. The Mayor said there will not be one.

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

CONSENT RESOLUTION 144-14

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 145-14 Accept Report of the Finance Committee
- Resolution 146-14 Community Emergency Response Team
- Resolution 147-14 Award Contract – 2014 Road Program
- Resolution 148-14 Award Contract – Senior Center Doors
- Resolution 149-14 Award Contract – Remediation at Police Headquarters
- Resolution 150-14 Stipulation of Settlement – 962 Arapaho Trail
- Resolution 151-14 Stipulation of Settlement – 124 Delaware Lane
- Resolution 152-14 Tree Removal Permit – 785 Ewing Avenue
- Resolution 153-14 Tree Removal Permit – 286 Indian Trail Drive
- Resolution 154-14 Facilities Use Permit – Ramapo Youth Soccer Association-Wildcats
- Resolution 155-14 Facilities Use Permit– Ramapo High School Football Camp
- Resolution 156-14 Affordable Housing Legislation
- Resolution 157-14 Designating McCoy Road Property as Area in Need of Redevelopment

Resolution 158-14 Authorizing Inclusion in the Bergen County Community Development Program
Resolution 159-14 Return of Maintenance Bond – Pawnee LLC
Resolution 160-14 Tax Lien Redemption – 708 Arnold Drive
Resolution 161-14 Accept 2013 Audit Report
Resolution 162-14 Accept and Approve 2013 Audit Report Corrective Action Plan

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

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 Cadicina and seconded by Councilmember Lambrix:

- March 18, 2014 Budget Meeting
- April 01, 2014 Work Session Meeting
- April 17, 2014 Budget Meeting
- April 17, 2014 Regular
- April 01, 2014 Closed Session

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix, Ramsey (with exceptions), Swist
Nays:
Abstain: Ramsey - April 17, 2014 Regular
Absent:
Motion Approved.

OLD BUSINESS

Update on Background Checks

Councilmember Lambrix asked for an update on the criminal background checks. Councilmember Kahwaty will reach out to the Recreation Committee. They are now discussing DWI checks which are a separate category. They are trying to parallel the criminal aspect and the DWI aspect.

Council President Ramsey asked about criminal background checks for the new employees at the YMCA. Mayor Bivona said the YMCA will do criminal background check on employees.

NEW BUSINESS

At this time, there was no New Business to discuss.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1593 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1593

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES PERTAINING TO OVERNIGHT PARKING OF VEHICLES**

WHEREAS, Ordinance 1593 was introduced at a meeting of the Mayor and Council held on the 20 day of May 2014;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1593 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1593 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of June 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 1593; 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 Cadicina, seconded by Councilmember Kahwaty. Discussion – Councilmember Lambrix asked if the resident will be made aware of this. Mr. Hart explained that both residents are aware already but will be further notified.

Roll Call Vote

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

Nays:

Abstain:

Absent:

Motion Approved

At this time, there was a motion to open the hearing to public comment was made by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

David VanDyke – 1057 Franklin Lake Road. He came forward because he is concerned about the parking of his recreational vehicle. Mayor Bivona asked how many vehicles he has parked on his property. Mr. VanDyke said just one. Mayor Bivona advised that this would not affect Mr. VanDyke and that it is aimed at excessive parking of many large trailers.

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

Move to take up consideration of Ordinance 1594 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1594

**AN ORDINANCE AMENDING ORDINANCE NO. 1587 RELATING
TO SALARIES AND OTHER COMPENSATION OF EMPLOYEES
OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEAR 2014**

WHEREAS, Ordinance 1594 was introduced at a meeting of the Mayor and Council held on the 20 day of May 2014;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1594 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1594 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of June 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 1594; 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 Cadicina, seconded by Councilmember Kahwaty. Discussion – none.

Roll Call Vote

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

Nays:

Abstain:

Absent:

Motion Approved

Move to take up consideration of Ordinance 1595 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 1595

**AN ORDINANCE AMENDING CHAPTER 89 “POLICE DEPARTMENT”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO
REQUIRE A FEE FOR NEW HIRES THAT ARE INTERVIEWED**

WHEREAS, Ordinance 1595 was introduced at a meeting of the Mayor and Council held on the 20 day of May 2014;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1595 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1595 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of June 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 1595; 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 Cadicina, seconded by Council President Ramsey. Discussion – none.

Roll Call Vote

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

Nays:

Abstain:

Absent:
Motion Approved

Move to take up consideration of Ordinance 1596 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Lambrix, seconded by Councilmember Cadicina. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1596

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 1406, LOT 1, PORTION of LOT 2 AND BLOCK 1408, LOT 1 AND AMENDING THE ZONING MAP AND ZONING ORDINANCES AND MASTER PLAN TO INCORPORATE THE PROVISIONS OF THE REDEVELOPMENT PLAN

WHEREAS, Ordinance 1596 was introduced at a meeting of the Mayor and Council held on the 20 day of May 2014;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1596 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1596 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of June 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 1596; 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 Cadicina, seconded by Council President Ramsey. Discussion – Mayor Bivona explained that the Ordinance approves the redevelopment plan. Borough Attorney Smith also advised that the Planning Board approved the area as an area in need of redevelopment.

Roll Call Vote

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

Nays:

Abstain:

Absent:

Motion Approved

Move to take up consideration of Ordinance 1597 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 1597

AN ORDINANCE APPROVING THE LEASE OF A PORTION OF THE FRANKLIN LAKES COMMUNITY CENTER AT THE PULIS AVENUE RECREATION FIELD TO THE WYCKOFF FAMILY YMCA

WHEREAS, Ordinance 1597 was introduced at a meeting of the Mayor and Council held on the 20 day of May 2014;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1597 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1597 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 17th day of June 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 1597; 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 Cadicina. Discussion – none.

Roll Call Vote

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

Nays:

Abstain:

Absent:

Motion Approved

At this time, a motion to open the time for public comment was made by Councilmember Cadicina, seconded by Councilmember Kelly. On voice vote, all in favor.

Maria Marino – WGHT Radio. Had a question regarding Ordinance 1591 which she will ask after the Closed Session portion of the meeting.

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

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 May 20, 2014 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Contractual – Garbage and Recycling Collection
- Personnel – *Planning Board Secretary**, Tax Assessor, Police Chief and Construction Official

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.

**Correction – Borough Administrator Hart, said that there would be discussion regarding the position of Planning Board Secretary but misspoke. Discussion during Closed Session was really regarding the Tax Assessor Clerk.*

ADJOURNMENT

Motion to adjourn the meeting at 9:13 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Resolution 145-14 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 \$419,688.86 as shown on the Claims Bill List; \$6,789.00 as shown on the Soil Account Bill List and \$533.50 as shown on the Developers Escrow List.

Resolution 146-14 Community Emergency Response Team

WHEREAS, the Borough of Franklin Lakes solicits residents to serve their community during emergency situations such as Community Emergency Response Team (CERT) volunteers under the supervision of the Franklin Lakes Emergency Management Coordinator (EMC); and,

WHEREAS, the role of a CERT member, beyond serving their family, neighbors and community in emergency situations, may also include other events and activities when authorized by the EMC, or his or her designee; and,

WHEREAS, all Franklin Lakes CERT members will be required to attend and complete a CERT program; and,

WHEREAS, additional training for CERT members will be available through agencies such as the Federal Emergency Management Association, New Jersey Office of Emergency Management, Bergen County Office of Emergency Management, Franklin Lakes Office of Emergency Management, or other training programs (e.g. American Red Cross); and,

WHEREAS, all Franklin Lakes CERT members who are listed on the CERT roster and when authorized to serve in a CERT capacity authorized by the EMC or his or her designee will be covered by the Borough's insurance; and,

WHEREAS, a roster of CERT personnel and additional CERT training each member has received will be kept on file in the Emergency Operations Center and the Borough Administrator's office;

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 roster of trained and approved volunteer CERT members as same may be amended from time to time be and is hereby approved; and,

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Franklin Lakes Emergency Management Coordinator.

Resolution 147-14 Award Contract – 2014 Road Program

WHEREAS, the Borough of Ramsey, as the lead agency of the Northwest Bergen Cooperative Pricing Program, advertised for bids for resurfacing of streets within the Boroughs of Allendale, Glen Rock, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ramsey, Saddle River and Waldwick; and,

WHEREAS, by resolution adopted on April 28, 2014, the Borough of Ramsey awarded the contract for resurfacing of streets to D&L Paving Contractors, Inc., 681 Franklin Avenue, Nutley, New Jersey 07110, for the unit prices as set forth in the bid documents; and,

WHEREAS, the Borough Engineer has recommended the award of a contract for resurfacing of streets in the Borough of Franklin Lakes to D&L Paving Contractors, Inc., for the unit prices set forth in said bid documents, for a total contract award of \$473,231.50;

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 contract for resurfacing of streets be and is hereby awarded to D & L Paving Contractors, Inc., in the amount of

\$473,231.50, in accordance with the unit prices set forth in the Northwest Bergen Cooperative Pricing Program bid documents; 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 is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to D&L Paving Contractors, Inc., the Borough Engineer, and the Chief Financial Officer.

Resolution 148-14 Award Contract – Senior Center Doors

WHEREAS, the Borough of Franklin Lakes received one (1) proposal for Automatic Doors and Coat Closet Modifications to the Franklin Lakes Senior Center at the Bender Court Fire House; and

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

1. Fair-Con Builders, 14 Carroll Street, Fairfield, NJ 07004 is hereby awarded a contract in the amount of \$32,746.00
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 149-14 Award Contract – Remediation at Police Headquarters

WHEREAS, the Borough of Franklin Lakes received three proposals for certain remediation work in the dispatch area of the Police Department Headquarters; and,

WHEREAS, the Superintendent of Public Works recommends that the contract for the work be awarded to the contractor that submitted the lowest cost proposal, Servpro of Northwest Bergen County, 151 Crescent Avenue, Waldwick, New Jersey 07463, for the proposal amount of \$9,986.03;

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 Superintendent of Public Works is approved and the contract for certain remediation work in the dispatch area of the Police Department Headquarters be and is hereby awarded to Servpro of Northwest Bergen County for the proposal amount of \$9,986.03; 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 is a sufficient appropriation to fund the purchase authorized in this resolution as an express and mandatory condition of the award of this contract; and,

BE IT FINALLY RESOLVED that a copy of this resolution be provided to Servpro of Northwest Bergen County and the Superintendent of Public Works.

Resolution 150-14 Stipulation of Settlement – 962 Arapaho Trail

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

Block: 1317.01
Lot: 7
Street Address: 962 Arapaho Trail
Owner: Hormoz and Parichehr S. Ashtyani-ASL

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

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

Tax Year: 2012

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 495,000	\$ 495,000
Improvements	\$1,395,200	\$1,155,000
Total	\$1,890,200	\$1,650,000

Tax Year: 2013

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 495,000	\$ 495,000
Improvements	\$1,395,200	\$1,155,000
Total	\$1,890,200	\$1,650,000

Tax Year: 2014

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 495,000	\$ 495,000
Improvements	\$1,395,200	\$1,155,000
Total	\$1,890,200	\$1,650,000

Resolution 151-14 Stipulation of Settlement – 124 Delaware Lane

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

Block: 3207
Lot: 19
Street Address: 124 Delaware Lane
Owner: Richard C. Ferro

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: 2013

<u>Original Assessment</u>	<u>Tax Court Judgment</u>
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Land	\$ 504,800	\$ 504,800
Improvements	\$ 773,000	\$ 695,200
Total	\$1,277,800	\$1,200,000

Resolution 152-14 Tree Removal Permit – 785 Ewing Avenue

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, Mr. Gutilla, who resides at 785 Ewing Avenue, has requested permission to remove trees in excess of those permitted by paragraph B of Borough Code §300-150; and,

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

WHEREAS, the Shade Tree Commission has recommended approval of the application with certain conditions, as set forth in the memo from the Shade Tree Commission dated April 10, 2014;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the recommendation of the Shade Tree Commission as set forth in its memo dated April 10, 2014 is hereby approved, and the tree removal application for 785 Ewing Avenue be and is hereby approved, subject to the conditions in said Shade Tree Commission memo; and,

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

Resolution 153-14 Tree Removal Permit – 286 Indian Trail Drive

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, Mr. Krisulevicz, who resides at 286 Indian Trail Drive, has requested permission to remove trees in excess of those permitted by paragraph B of Borough Code §300-150; and,

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

WHEREAS, the Shade Tree Commission has recommended approval of the application with certain conditions, as set forth in the memo from the Shade Tree Commission dated March 18, 2014;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that the recommendation of the Shade Tree Commission as set forth in its memo dated April 29, 2014 is hereby approved, and the tree removal application for 286 Indian Trail Drive be and is hereby approved, subject to the conditions in said Shade Tree Commission memo; and,

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

Resolution 154-14 Facilities Use Permit – Ramapo Youth Soccer Association-Wildcats

WHEREAS, the Ramapo Youth Soccer Association has requested the use of Borough facilities, for its Ramapo Youth Soccer Association Wildcat Soccer Tournament to be held August 30 and 31st 2014, with a rain date on September 1, 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 Ramapo Youth Soccer Association is hereby granted permission to use Borough facilities for its Ramapo Youth Soccer Association Wildcat Soccer Tournament to be held August 30 and 31st 2014, with a rain date on September 1, 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 Ramapo Youth Soccer Association and the Recreation and Parks Director.

Resolution 155-14 Facilities Use Permit– Ramapo High School Football Camp

WHEREAS, the Drew Gibbs Football Camp has requested the use of Borough facilities, for its Football Camp to be held June 26th, 27th, 30th and July 1st and 2nd;

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 Drew Gibbs Football Camp is hereby granted permission to use Borough facilities for its Football Camp to be held June 26th, 27th, 30th and July 1st and 2nd; 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 Drew Gibbs Football Camp and the Recreation and Parks Director.

Resolution 156-14 Affordable Housing Legislation

WHEREAS, in 1983, the New Jersey Supreme Court decided Southern Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983)(“Mount Laurel II”) in which it not only created a body of procedural and substantive law to advance the creation of affordable housing, but also clearly announced its desire for a legislative alternative to the laws it created; and

WHEREAS, Former Governor Kean and the Legislature accepted the Supreme Court’s invitation and enacted the New Jersey Fair Housing Act (“FHA”) in 1985; and

WHEREAS, the FHA created the New Jersey Council on Affordable Housing (“COAH”) and charged COAH with the responsibility of periodically establishing regulations to provide guidance to municipalities and other interested parties; and

WHEREAS, COAH promulgated regulations for the first housing cycle in 1986; for the second housing cycle in 1994; and for the third housing cycle in 2004 and again in 2008; and

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) in which it (a) invalidated the round three regulations adopted in 2008; and (b) charged COAH with the responsibility of adopting a third iteration of round three regulations within five months; and

WHEREAS, in apparent recognition that the Mount Laurel doctrine was in danger of crumbling under its own weight, the Supreme Court in In re Adoption Of N.J.A.C. 5:96 and 5:97 invited the Legislature and the Governor, as clearly and fervently as it could, to devise a new approach to affordable housing in our state; and

WHEREAS, as demonstrated by the following statements, the Court promised to show enormous deference to any new legislative pronouncement and indeed went out of its way to express receptivity to legislation that plainly violates longstanding principles in Mount Laurel jurisprudence:

- a. All aspects of the remedy established in Mount Laurel II are not “indispensable components of a remedy for the future.” Id. at 610.

b. It would be willing to consider an alternative to “a pre-fixed allocation of municipal obligations based on forecasted projected growth,” which would be a numberless approach. Id. at 611.

c. It would be willing to consider an alternative to imposing a Mount Laurel obligation on “all municipalities of the state within fixed periods.” Id. at 605.

d. It would be open to legislation that limits the role of the builder’s remedy: “One can envision alternative approaches that, perhaps, might relegate a builder’s remedy to a more reserved status among available solutions to encouragement of construction of affordable housing, reducing the political turmoil that has plagued voluntary compliance with the constitutional goal of advancing the delivery of affordable housing.” Id. at 610-11; and

WHEREAS, the Supreme Court has extended the five month deadline it established in In re Adoption Of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

WHEREAS, as a result of the foregoing facts, the Supreme Court has created a roughly seven month window of opportunity for the Legislature and Governor to enact new legislation to replace the FHA; and

WHEREAS, in the evolution of the doctrine, there has never been a greater opportunity to effectuate significant changes to the doctrine; and

WHEREAS, the failure to enact legislation could expose municipalities to overwhelming and unreasonable burdens; and

WHEREAS, in light of the above, it is essential that the Legislature and Governor seize this opportunity to enact new affordable housing laws because the present laws are fundamentally flawed.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN LAKES as follows:

1. The Borough urges the Legislature to work with Governor Christie to take advantage of the opportunity to reshape and modernize the Mount Laurel doctrine by developing and enacting legislation that better protects the interests of municipalities and more reasonably balances all the competing interests.
2. Consistent with the Supreme Court’s invitation, the Borough strenuously urges any new Legislation to “relegate a builder’s remedy to a more reserved status among available solutions to encouragement of construction of affordable housing”. Accordingly, any new Legislation should, at a minimum, impose a moratorium on all ongoing and future builder’s remedy litigation to enable municipalities to comply with the standards embodied in the new statute.
3. This resolution shall be submitted to Governor Christie and our Legislators immediately.

Resolution 157-14 Designating McCoy Road Property as Area in Need of Redevelopment

WHEREAS, the Borough of Franklin Lakes, in the County of Bergen, New Jersey (the “Borough”), a public body corporate and politic of the State of New Jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on November 12, 2013, the Mayor and Council of the Borough (the “Municipal Council”) authorized the Planning Board to conduct a preliminary investigation to determine whether Block 1406, Lot 1, portion of Lot 2 and Block 1408, Lot 1 (the “McCoy Road site”) meet the criteria set forth in the Redevelopment Law and should be designated as an area in need

of redevelopment in accordance with the provisions of *N.J.S.A.* 40A:12A-6 of the Redevelopment Law; and

WHEREAS, the study area, Block 1406, Lot 1, portion of Lot 2 and Block 1408, Lot 1, consists entirely of municipally-owned land; and

WHEREAS, Clarke Caton Hintz, the Borough's planning consultant, prepared a preliminary investigation for a determination of an area in need of redevelopment for the McCoy Road site, titled the "McCoy Road Redevelopment Study" and dated February 7, 2014; and

WHEREAS, on March 19, 2014 the Mayor and Council via Resolution 97-14 referred the preliminary investigation to the Planning Board for its consideration in accordance with the standards and processes set forth in the Redevelopment Law; and,

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, on May 7, 2014, the Planning Board reviewed the preliminary investigation, heard testimony from a representative of the Planning Consultant, accepted the Report into evidence, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, Clarke Caton Hintz concluded in the Report and testified to the Planning Board on May 7, 2014 that there is evidence to support the finding that the McCoy Road site satisfies the criteria for redevelopment area designation set forth in *N.J.S.A.* 40A: 12A-5 et seq.; and

WHEREAS, after the conclusion of the public hearing described above, the Planning Board adopted a Resolution (the "Board Resolution") finding and concluding that the McCoy Road site satisfies the criteria for redevelopment area designation set forth in *N.J.S.A.* 40A: 12A-5 et seq and recommending that the Mayor and Council designate the McCoy Road site as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council agree with the conclusion of the Planning Board that the McCoy Road site meets the aforementioned criteria for redevelopment area designation, and the Mayor and Council finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Mayor and Council further agree with the recommendation of the Planning Board that the McCoy Road site be designated as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council now desire to designate the McCoy Road site as an area in need of redevelopment, pursuant to *N.J.S.A.* 40A: 12A-6; and

WHEREAS, it is intended by the Borough of Franklin Lakes that this site be utilized for low and moderate income special needs housing in satisfaction of its mandated obligation; and

WHEREAS, the Mayor and Council further desires to authorize and direct the Planning Board to cause a redevelopment plan to be prepared for the McCoy Road site and present same to the Borough Committee pursuant to *N.J.S.A.* 40A:12A-7f.; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Council hereby determine that the McCoy Road site satisfies the criteria for redevelopment area designation set forth in *N.J.S.A.* 40A: 12A-5 et seq.

specifically that the site is owned by the municipality, is unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, will be utilized for the construction of low and moderate income housing and is not likely to be developed for this purpose through the instrumentality of private capital.

3. The Mayor and Council hereby designates the McCoy Road site as an area in need of redevelopment, pursuant to *N.J.S.A. 40A: 12A-6*.
4. This resolution shall take effect immediately upon passage and publication as required by law.

Resolution 158-14 Authorizing Inclusion in the Bergen County Community Development Program

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly received CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by June 20, 2014, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Franklin Lakes and its residents to participate in said programs; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the Home Investment Partnership Act Program for the Program Years 2015, 2016 and 2017 (July 1, 2015 – June 30, 2018); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than June 20, 2014

Resolution 159-14 Return of Maintenance Bond – Pawnee LLC

WHEREAS, a site plan was approved and a building permit issued, for the construction of a single family home on the property at 650 Pawnee Lane, Block 3103.04 Lot 1, in the Borough of Franklin Lakes; and,

WHEREAS, the contractor, Pawnee LLC, has terminated the project; and,

WHEREAS, on May 6, 2014 the Mayor and Council adopted resolution 139-14 authorizing the Mayor and Clerk to execute a Stipulation Agreement to refund the property owner of a portion of its cash bond for this project as prepared by the Borough Attorney; and,

WHEREAS, a cash Maintenance Bond in the amount of \$6,391.00 was posted on January 31, 2008 by Pawnee LLC and, since the project is terminated, the need for the Maintenance Bond no longer exists;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes that the cash Maintenance Bond in the amount of \$6,391.00 posted by Pawnee LLC be and is hereby released.

Resolution 160-14 Tax Lien Redemption – 708 Arnold Drive

WHEREAS, at the Tax Sale held on September 30, 2013, the Borough of Franklin Lakes sold a tax lien on Block 3304, Lot 20, also known as 708 Arnold Drive, for delinquent 2012 taxes, owned by Moule Partners, LLC and;

WHEREAS, this Tax Lien Certificate #13-00009 was sold to US Bank Custodian for Pro Capital III, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102 at zero percent interest rate and a premium of \$54,000.00:

WHEREAS, Reputation Title Agency will redeem of Certificate#13-00009 in the amount of \$37,020.97, and

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to issue check in the amount of \$91,020.97 to US Bank Pro Capital III, 50 South 16th Street, Suite 1950, Philadelphia, PA 1950.

Tax Lien	\$ 35,414.84	1099:	
6% Redemption Penalty	996.19		
Subsequent Payment	0	Subsequent Interest:	\$ 554.94
Subsequent Interest	554.94	6% Penalty:	996.19
Recording Fee	43.00		
Search Fee	12.00		
Total:	\$ 37,020.97	Total 1099:	\$ 1,551.13

Resolution 161-14 Accept 2013 Audit Report

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, accepts and approves the corrective action plan for the 2013 audit as submitted by the Chief Financial Officer, and that a certified copy of this resolution and a copy of the corrective action plan be submitted to the Division of Local Government Services by the Borough Clerk.

Resolution 162-14 Accept and Approve 2013 Audit Report Corrective Action Plan

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

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

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

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

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

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

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

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

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

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

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