

MEETING OF THE MAYOR AND COUNCIL
September 16, 2014
7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, September 16, 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 Kahwaty, Councilmember Cadicina, Councilmember Kelly, Councilmember Swist and Council President Ramsey. Also present were Borough Administrator Greg Hart, Borough Clerk Sally Bleeker and Borough Attorney William T. Smith. Absent was Councilmember Lambrix.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Mark McCombs – Police Sergeant

Motion to appoint Police Officer Mark McCombs to Sergeant was made by Councilmember Kahwaty, seconded by Council President Ramsey.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

Michael Pellegrino – Police Officer

Motion to appoint Michael Pellegrino to the Police Department as a Patrolman was made by Council President Ramsey, seconded by Councilmember Kahwaty.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

Ruth Barnes – Full Time Police Dispatcher

Motion to appoint Ruth Barnes as a Police Dispatcher was made by Council President Ramsey, seconded by Councilmember Kahwaty.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:
Absent: Lambrix
Motion Approved.

Jeffrey Zaentz – Franklin Lakes Volunteer Fire Department
Matthew Shifar – Franklin Lakes Vol. Fire Dept. - Junior Member

Motion to appoint Jeffrey Zaentz and Matthew Shifar to the Franklin Lakes Volunteer Fire Department was made by Council President Ramsey, seconded by Councilmember Swist.

Roll Call Vote:

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

Rajan Melwani – Board of Health – fill unexpired term to expire 12/31/15
Justin Musella – Alt. #1 Board of Health – fill unexpired term to expire 12/31/14

Motion to appoint Rajan Melwani and Justin Musella to the Board of Health was made by Councilmember Kahwaty, seconded by Councilmember Swist.

Roll Call Vote:

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

Michael Levine – Recreation and Parks Committee – fill unexpired term to expire 12/31/16

Motion to appoint Michael Levine to the Recreation and Parks Committee was made by Councilmember Kelly, seconded by Councilmember Cadicina.

Roll Call Vote:

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

ORDINANCES FOR FINAL READING AND ADOPTION

ORDINANCE 1604

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED IN FAVOR OF THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY RESTRICTING THE FUTURE USE OF THE FRANKLIN LAKES NATURE PRESERVE TO RECREATION PURPOSES

Summary – This ordinance will authorize the execution of a deed in favor of the New Jersey Economic Development Authority which will restrict use of the Franklin Lakes Nature Preserve to recreation purposes. The property is already encumbered by deed restrictions as conditions of Green Acres and Bergen County Open Space grants. This deed is required as a condition of a program which will reimburse the Borough for certain costs of environmental remediation at the site, which was completed several years ago.

WHEREAS, Ordinance 1604 was introduced at a meeting of the Mayor and Council held on the 19th day of August, 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 1604 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. 1604 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 Kahwaty. 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 Swist, seconded by Councilmember Kahwaty. On voice vote, all in favor.

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

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:

Absent: Lambrix

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.

Michael Petrino – 708 Somerset Street. Mr. Petrino came forward to ask why he was denied Closed Session meeting minutes in regards to Ordinance 1579-R. Borough Attorney Bill Smith advised Mr. Petrino the matter is still considered confidential.

Mr. Petrino asked about a document before the Planning Board regarding the Golf Course. Mayor Bivona advised him that it will be discussed at the Planning Board meeting.

Mr. Petrino then asked about the pipe line that is being proposed to go through Franklin Lakes. Mayor Bivona said he didn't have a comment at this point.

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

CONSENT RESOLUTION 243-14

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 244-14 Accept Report of the Finance Committee

Resolution 245-14 Municipal Endorsing Resolution – Huron Road Section 3

Resolution 246-14 DOT Authorizing Resolution – FY 2015 Huron Road Section 3

Resolution 247-14	Tax Refund – Ashtyani-Asl
Resolution 248-14	Tax Refund – Sabra
Resolution 249-14	Tax Refund Duplicate Payment – Levinson
Resolution 250-14	Tax Refund Duplicate Payment – Corelogic/Lee
Resolution 251-14	Tax Refund Duplicate Payment – Corelogic/Sherman
Resolution 252-14	Tax Refund Duplicate Payment – Lereta
Resolution 253-14	Tax Refund Duplicate Payment – Corelogic/Harris
Resolution 254-14	Tax Refund Duplicate Payment – Corelogic/Shieh
Resolution 255-14	Tax Refund Duplicate Payment – Zollo
Resolution 256-14	Change Order – 2014 Road Paving Program
Resolution 257-14	Approve Amendment – Fire Department, Inc. Constitution
Resolution 258-14	Stipulation of Settlement – LeBaron
Resolution 259-14	Approve Agreement – BMED Indemnity and Trust
Resolution 260-14	Joint Purchasing System Agreement – Borough, Schools and Library
Resolution 261-14	Designation of Bergen County Community Development Representatives
Resolution 262-14	Designation of Bergen County Open Space Representatives
Resolution 263-14	Chapter 159 – Private Donation – Market Basket
Resolution 264-14	Award Contract – Borough-Owned Generator Maintenance
Resolution 265-14	Award Contract Extension – Cleaning Services
Resolution 266-14	Award Contract – Police Headquarters Remediation

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

Roll Call Vote:

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

RESOLUTIONS

**Resolution 267-14
 Capital Projects and Debt Service Analysis**

WHEREAS, the Mayor and Council have reviewed the capital budget requests of each of the Borough departments for the next six years and developed a capital plan which addresses the capital needs of the Borough over the next six years; and,

WHEREAS, the Administration and Finance Council Committee has reviewed the Borough’s debt service plan; and,

WHEREAS, consistent with the Mayor and Council’s fiscal objective of decreasing debt, the Borough Auditor has prepared a report entitled “Capital Projects & Debt Service Analysis” dated September 5, 2014 which integrates the Borough’s capital budget and debt service plans;

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 report entitled “Capital Projects & Debt Service Analysis” dated September 5, 2015 be and his hereby approved; and,

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Mayor Bivona advised of a correction to page 1. Mr. Hart said the correction has been made to show that the Borough has a Aaa financial rating. There was a Special Meeting to review the plan on Wednesday. The plan will finance the Borough’s essential needs over the next 6 years and serve as a road map for the future. Further discussion ensued in regards to the Borough’s financing for road improvements and the Borough’s financial rating.

Roll Call Vote:

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

OLD BUSINESS

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

NEW BUSINESS

Market Basket Facilities Use Request for Oktoberfest

Borough Administrator, Greg Hart, reported that he received a facilities use request from the Market Basket to use the Borough's Municipal Field for Oktoberfest. The resolution to approve the request will be placed on the October Work Session agenda.

Township of Wyckoff Raised Parking Fees

Mayor Bivona reported that the Township of Wyckoff is raising their fees for parking. Our fees and the impact of Wyckoff raising their fees will be discussed at the October Work Session.

Borough Events

Mayor Bivona advised that the Town Fair is this coming weekend, September 19th and 20th. The Youth Biathlon was this past weekend. Also, there is a half marathon and a 5k run scheduled September 28th.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1605 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 1605

AN ORDINANCE SUPPLEMENTING CHAPTER 390 "SEWERS AND SEWAGE DISPOSAL" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH A SEWER UTILITY

WHEREAS, Ordinance 1605 was introduced at a meeting of the Mayor and Council held on the 16th day of September 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 1605 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1605 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 21st day of October 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 1605; 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, Ramsey, Swist
Nays:
Abstain:
Absent: Lambrix
Motion Approved.

Move to take up consideration of Ordinance 1606 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 1606

REFUNDING BOND ORDINANCE OF THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S OUTSTANDING GENERAL BONDS OF 2003, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,175,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING, AND APPROPRIATING THE PROCEEDS THEREOF.

WHEREAS, Ordinance 1606 was introduced at a meeting of the Mayor and Council held on the 16th day of September 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 1606 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance 1606 will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 30th day of September 2014 at 8:00 AM in the morning or as soon thereafter as the matter can be reached in the Conference Room 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 1606; and

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

Resolution read and introduced by Councilmember Kahwaty, seconded by Councilmember Kelly. Discussion – Greg Hart gave an explanation of the Ordinance and the reason for a Special Meeting to adopt it.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist
Nays:
Abstain:
Absent: Lambrix
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, September 16, 2014 which begins at 7:30 PM, in the Council Chambers at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Patrolman Hiring

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 at 8:35 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Kelly.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

Upon return from Closed Session, Councilmember Kahwaty made a motion to offer Lucas Gallo a conditional offer of employment as a patrolman, seconded by Councilmember Kelly.

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Ramsey, Swist

Nays:

Abstain:

Absent: Lambrix

Motion Approved.

ADJOURNMENT

Motion to adjourn the meeting at 8:54 p.m. was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution 244-14 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 \$850,785.41 as shown on the Claims Bill List; \$5,208.25 as shown on the Soil Account Bill List and \$28,106.25 as shown on the Developers Escrow List.

Resolution 245-14 Municipal Endorsing Resolution – Huron Road Section 3

WHEREAS, the Franklin Lakes Borough is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Franklin Lakes Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Huron Road (Section 3)-00040 for Franklin Lakes Borough to the New Jersey Department of Transportation on behalf of the Franklin Lakes Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Franklin Lakes Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 246-14 DOT Authorizing Resolution – FY 2015 Huron Road Section 3
BE IT RESOLVED, by the Mayor and Council of the municipality of FRANKLIN LAKES that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

(1) Huron Road (Section 3)
Municipal Aid Program

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of FRANKLIN LAKES for the stated project(s).

Resolution 247-14 Tax Refund – Ashtyani-Asl

WHEREAS, the property listed below filed an assessment appeal with the Tax Court of New Jersey and,

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year(s) 2012, 2013 and 2014, on 962 Arapaho Trail, homeowners Ashtyani-Asl, Hormoz & Parichehr

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>
1317.01	7	\$ 240,200 (2012)	\$ 3,682.27
		\$ 240,200 (2013)	\$ 3,739.91
			Total Refund \$7,422.18
			<u>Credit 4Q 2014 Taxes</u>
		\$ 240,200 (2014)	\$ 3,775.94

Resolution 248-14 Tax Refund – Sabra

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 and 2014, on 795 Franklin Avenue, homeowners Sabra Realty Corp.

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>
1518	1	\$ 703,300 (2013)	\$ 10,950.38
			Total Refund \$10,950.38
			<u>Credit 4Q 2014 Taxes</u>
		\$ 1,103,300 (2014)	\$ 17,343.88

Resolution 249-14 Tax Refund Duplicate Payment – Levinson

WHEREAS, the home owner Zachary Levinson, for Block 1209 Lot 13, whose address is 994 Dogwood Trail, had signed up for Automatic Direct Withdrawal with the Borough for taxes in 2013 and 3rd quarter 2014 taxes were deducted on August 15, 2014 and,

WHEREAS, the home owner went online and used the WIPP program to pay 3rd quarter 2014 taxes on August 14, 2014 and,

WHEREAS, this leaves a duplicate on the taxes for the 3rd quarter,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount listed below and to be charged against Tax Overpayments.

<u>Block</u>	<u>Lot</u>	<u>Refund Tax Overpayment</u>
1209	13	\$ 3,711.46

Resolution 250-14 Tax Refund Duplicate Payment – Corelogic/Lee

WHEREAS, the homeowner Gerry Lee & Giovanna Clarke, and the lender Corelogic, made payments for the 3rd quarter of 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the lender Corelogic is seeking a refund for the payment done in error,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
3101.02	1.01	\$ 6,451.20	\$ 6,451.20

Resolution 251-14 Tax Refund Duplicate Payment – Corelogic/Sherman

WHEREAS, the title company Democracy Title, for the new homeowner, and the lender Corelogic, for the previous homeowner, made payments for the 3rd quarter of 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the lender Corelogic is seeking a refund for the payment done in error,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
3103.01	19	\$ 3,014.06	\$ 3,014.06

Resolution 252-14 Tax Refund Duplicate Payment – Lereta

WHEREAS, the home owner, Lawrence & Patricia Gruber and the lender, Lereta made payments for the 3rd quarter 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the lender is seeking a refund for the payment done in error and,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
3105.04	8	\$ 15.88	\$ 15.88

Resolution 253-14 Tax Refund Duplicate Payment – Corelogic/Harris

WHEREAS, the title company Angel Title, for the new homeowner, and the lender Corelogic, for the previous homeowner, made payments for the 3rd quarter of 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the lender Corelogic is seeking a refund for the payment done in error,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
1201.02	16	\$ 5,917.24	\$5,917.24

Resolution 254-14 Tax Refund Duplicate Payment – Corelogic/Shieh

WHEREAS, the homeowner Frederick Shieh, signed up for the Automatic Direct Withdrawal program and the lender Corelogic, made payments for the 3rd quarter of 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the lender Corelogic is seeking a refund for the payment done in error,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
3301	1	\$ 4,253.98	\$ 4,253.98

Resolution 255-14 Tax Refund Duplicate Payment – Zollo

WHEREAS, the home owner, Alan P. Zollo and the lender, Corelogic made payments for the 3rd quarter 2014 taxes and,

WHEREAS, the above leaves an overpayment on the 3rd quarter 2014 taxes and,

WHEREAS, the homeowner is seeking a refund for the payment done in error and,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check for the following amount and the same to be charged to Tax Overpayments Refunded.

<u>Block</u>	<u>Lot</u>	<u>Duplicate Payment</u>	<u>Refund</u>
3207	10	\$ 1,788.30	\$ 1,788.30

Resolution 256-14 Change Order – 2014 Road Paving Program

WHEREAS, by Resolution #147-14 adopted on May 21, 2014, the Mayor and Council of the Borough of Franklin Lakes awarded a contract in the amount of \$473,231.50 to D&L Paving Contractors, Inc, 681 Franklin Avenue, Nutley, New Jersey 07110, hereinafter referred to as “the Contractor”, for the resurfacing of streets in the Borough of Franklin Lakes; and,

WHEREAS, the Borough Engineer has submitted Change Order #1 and Final, which increases the amount of the contract by \$90,355.16 for an amended contract amount of \$563,586.66 and which Change Order has been accepted by the Contractor;

NOW THEREFORE, BE IT RESOLVED that Change Order #1 and Final is hereby authorized and approved for the 2014 Road Program, for a contract increase of \$90,355.16 for a revised contract amount of \$563,586.66; and,

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

Resolution 257-14 Approve Amendment – Fire Department, Inc. Constitution

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 amendment to its Constitution to the Mayor and Council for approval:

- Paragraph H of Article IV “Membership Classifications” is hereby amended to read as follows:

H. Junior Membership.... Shall include all members between the ages of 16 and 18. They shall meet all of the requirements of Article III Membership. The qualifications, responsibilities, duties and restrictions of Junior members are defined in the Standard Operating Guidelines, General Order #: 101.3 Titled “Junior Firefighter Program.”

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 amendment to the Constitution of the Borough of Franklin Lakes Fire Department, Inc., be and is 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 258-14 Stipulation of Settlement – LeBaron

WHEREAS, an appeal of the tax assessment for the year 2009 has been filed for the following property; and

Block: 1424
Lot: 13
Street Address: 526 Shirley Avenue
Owner: Chester LeBaron

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: 2009

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$320,000	\$320,000
Improvements	\$161,000	\$111,000
Total	\$481,000	\$431,000

Resolution 259-14 Approve Agreement – BMED Indemnity and Trust

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the Mayor and Council of the Borough of Franklin Lakes, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

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 agrees as follows:

- i. The Borough shall become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. The Borough shall participate in the following type of coverage:
 - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. The Borough adopts and approves the FUND's Bylaws.
- iv. The Borough shall execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Franklin Lakes is hereby authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Bergen Municipal Employee Benefits Fund.

Resolution 260-14 Joint Purchasing System Agreement – Borough, Schools and Library
WHEREAS, *N.J.S.A. 40A:11-10* authorizes two or more contracting units to establish a Joint Purchasing System and enter into a Joint Purchasing Agreement for its administration; and

WHEREAS, the Mayor and Council of the Borough of Franklin Lakes is desirous of establishing a Joint Purchasing System and entering into said Joint Purchasing Agreement with other contracting units; and

WHEREAS, the Borough of Franklin Lakes has agreed to serve as the Lead Agency for a Joint Purchasing System with other contracting units; and

WHEREAS, on September 16, 2014, Mayor and Council duly considered the establishment of a Joint Purchasing System for the provision and performance of goods and services,

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 authorizes the creation of a Joint Purchasing System to be known as the Franklin Lakes Synergy Group Joint Purchasing System with the Borough of Franklin Lakes serving as the Lead Agency; and,

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into a Joint Purchasing Agreement with the participating contracting units; and,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Division of Local Government Services as part of the application package for the registration of this Joint Purchasing System, the Franklin Lakes Board of Education and the Franklin Lakes Public Library Board of Trustees.

Resolution 261-14 Designation of Bergen County Community Development Representatives

WHEREAS, the Borough of Franklin Lakes is required to appoint representatives for the Bergen County Community Development Committee;

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 Gregory C. Hart, Borough Administrator is appointed as the Mayor’s representative to the Bergen County Community Development Committee for a one-year term July 1, 2014 through June 30, 2015 and that Mayor Frank Bivona is appointed as the Mayor’s alternate representative for the same period; and

BE IT FURTHER RESOLVED that Councilwoman Paulette Ramsey is appointed as the governing body’s representative to the Bergen County Community Development Committee for a one-year term July 1, 2014 through June 30, 2015 and that Councilman Charles Kahwaty is appointed as the governing body’s alternate representative for the same period; and,

BE IT FINALLY RESOLVED, that Borough Administrator Gregory C. Hart is authorized to sign all vouchers for Community Development projects for the term July 1, 2014 through June 30, 2015.

Resolution 262-14 Designation of Bergen County Open Space Representatives

WHEREAS, the Borough of Franklin Lakes has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act, N.J.S.A. 40A:8A-1 et seq., to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Municipal Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2014 through June 30, 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 Borough Administrator Gregory C. Hart is hereby appointed as representative and Mayor Frank Bivona is hereby appointed as its alternate representative to participate on the Open Space Trust Regional Committee.

Resolution 263-14 Chapter 159 – Private Donation – Market Basket

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Franklin Lakes has received a \$1,200.00, 2014 Private Donation-Market Basket, Inc. and wishes to amend its 2014 Budget to include said amount as a revenue;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin Lakes, that permission be requested by the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2014 Budget in the sum of \$1,200.00 which will be available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:	
2014 Private Donation – Market Basket, Inc.	\$1,200.00

BE IT FURTHER RESOLVED that a sum of \$1,200.00 and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from "CAPS":
Public and Private Programs Offset by Revenues:
2014 Private Donation – Market Basket, Inc. \$1,200.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution 264-14 Award Contract – Borough-Owned Generator Maintenance

WHEREAS, the Borough of Franklin Lakes received three (3) proposals for to provide maintenance of six (6) Borough owned generators; and

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

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

1. DeCarlo Dependable Generator Service, 993 Pleasant Drive, New Milford, NJ 07643 is hereby awarded a two year contract in the amount of \$5,832.00
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 265-14 Award Contract Extension – Cleaning Services

WHEREAS, by resolution adopted on September 17, 2013, the Mayor and Council of the Borough of Franklin Lakes awarded a contract for cleaning services to Magic Touch Multi Services Corp., 410 Hamilton Street, Harrison, 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 September 30, 2014 to September 29, 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 contract for cleaning services with Magic Touch Multi Services Corp., be and is hereby extended for an additional one year period, from September 30, 2014 to September 29, 2015; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to Magic Touch Multi Services Corp.

Resolution 266-14 Award Contract – Police Headquarters Remediation

WHEREAS, the Borough's Indoor Air Quality Designated Person solicited proposals from several environmental remediation firms for certain remediation work at the Police Headquarters as specified in the request for proposals;

WHEREAS, the Borough of Franklin Lakes received one proposal for the specified work; and

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

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

1. TJ Renaissance Enterprises, Inc., d/b/a Servpro of Wayne, 24 Munsonhurst Road, Unit E, Franklin, New Jersey 07416, is hereby awarded a contract in the amount of \$6,704.24, plus \$46.87 per hour for additional work that may be required; and,
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 Chief Financial Officer be and is hereby authorized and directed to issue payment upon receipt of an approved voucher.

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