

MEETING OF THE MAYOR AND COUNCIL

June 21, 2016

7:30 P.M.

A regular meeting of the Mayor and Council was held on Tuesday, June 21, 2016 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, Council President Lambrix, Councilmember Ramsey and Councilmember Swist. Also present were Borough Administrator Hart, Borough Attorney Smith and Borough Clerk Sally Bleeker.

SUNSHINE LAW STATEMENT

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

FLAG SALUTE

MOMENT OF SILENT REFLECTION

APPOINTMENTS

Edmund Brown – Tax Assessor – 4 year appointment

Joan Murray – Board of Health Member to fill unexpired term ending 12/31/2016

Seasonal DPW Employees:

- Keith Mistretta
- Robert Payton, Jr.
- Michael A. Bellavia, Jr.
- Matthew J. Emmerson

Motion to make the above-referenced appointments was made by Councilmember Cadicina, seconded by Council President Lambrix.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

- Mark MacQuesten – Patrol Officer
- David Blum – Patrol Officer

Motion to make the above-referenced appointments was made by Councilmember Ramsey, seconded by Councilmember Kelly.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

ORDINANCES FOR FINAL READING AND ADOPTION

Motion made by Councilmember Kahwaty to take up Ordinance 1678 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Cadicina. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1678

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES PERTAINING TO PLACEMENT OF HVAC UNITS AND GENERATORS ON RESIDENTIAL PROPERTIES

WHEREAS, Ordinance 1678 was introduced at a meeting of the Mayor and Council held on the 17th day of May, 2016 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 1678 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 to open the hearing to the public was made by Councilmember Kahwaty, seconded by Councilmember Kelly. On voice vote, all in favor.

No one from the public came forward at this time.

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

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Motion made by Councilmember Cadicina to take up Ordinance 1679 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kahwaty. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1679

AN ORDINANCE AMENDING CHAPTER 220 “UNIFORM CONSTRUCTION CODES” AND CHAPTER 259 “FIRE PREVENTION” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO REDUCE FEES FOR BOROUGH-SPONSORED EVENTS

WHEREAS, Ordinance 1679 was introduced at a meeting of the Mayor and Council held on the 17th day of May, 2016 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 1679 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 to open the hearing to the public was made by Council President 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 Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Motion made by Councilmember Kahwaty to take up Ordinance 1680 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1680

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE PURCHASE OF DPW EQUIPMENT, AND APPROPRIATING \$215,000.00 FOR SAID PURCHASE AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY

WHEREAS, Ordinance 1680 was introduced at a meeting of the Mayor and Council held on the 17th day of May, 2016 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 1680 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 to open the hearing to the public was made by Council President 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 Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:
Motion Approved.

Motion made by Councilmember Cadicina to take up Ordinance 1681 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1681

AN ORDINANCE AMENDING CHAPTER 247 “FEES” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH FEE FOR THE GOLF PROGRAM

WHEREAS, Ordinance 1681 was introduced at a meeting of the Mayor and Council held on the 17th day of May, 2016 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 1681 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 to open the hearing to the public was made by Councilmember Kahwaty, 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 Cadicina, seconded by Councilmember Kahwaty. On voice vote, all in favor.

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Cadicina. 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.

No one from the public came forward at this time.

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

CONSENT RESOLUTION 176-16

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 177-16 Accept Report of the Finance Committee

Resolution 178-16 Accept 2015 Audit Report

Resolution 179-16	Accept and Approve 2015 Corrective Action Plan
Resolution 180-16	Amend Personnel Policy – Employee Discipline and Payments in Lieu
Resolution 181-16	Award Contract – DPW Wheel Loader
Resolution 182-16	Bergen County Community Development Representatives
Resolution 183-16	Bergen County Open Space Representatives
Resolution 184-16	Bergen Volunteer Center 50 th Anniversary
Resolution 185-16	Change Order No. 6 – Police Headquarters
Resolution 186-16	Facilities Use Permit – RYSA Soccer
Resolution 187-16	Hold Harmless Agreement – Kayal
Resolution 188-16	Liquor License Renewals
Resolution 189-16	Online Auction GovDeals
Resolution 190-16	Performance Bond Reduction – Franklin Lakes Realty
Resolution 191-16	Reappointment – Tax Assessor
Resolution 192-16	Tax Refund – Turi
Resolution 193-16	Tax Refund – Raphael
Resolution 194-16	Tree Removal Permit – 721 Cottonwood Trail

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Kahwaty. Discussion – none.

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 Kahwaty and seconded by Councilmember Swist:

- May 3, 2016 Work Session
- May 17, 2016 Regular
- May 17, 2016 Closed
- June 8, 2016 Closed

Roll Call Vote:

Ayes: Cadicina, Kahwaty, Kelly, Lambrix (with exceptions), Ramsey, Swist
 Nays:
 Abstain: Lambrix – June 8, 2016 Closed
 Absent:
 Motion Approved.

OLD BUSINESS

No Old Business to discuss at this time

NEW BUSINESS

No New Business to discuss at this time.

INTRODUCTION OF ORDINANCES ON FIRST READING

Move to take up consideration of Ordinance 1682 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Kahwaty, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1682

AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 1674 ESTABLISHING SALARIES AND OTHER COMPENSATION OF OFFICERS, MANAGERIAL STAFF, CONFIDENTIAL EMPLOYEES, AND EMPLOYEES OF THE BOROUGH OF FRANKLIN LAKES FOR THE YEAR 2016

WHEREAS, Ordinance 1682 was introduced at a meeting of the Mayor and Council held on the 21st day of June 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1682 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July 2016 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 1682; 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 Council President Lambrix. Discussion – none.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

Move to take up consideration of Ordinance 1683 for Introduction, and direct the Borough Clerk to read by title was made by Councilmember Cadicina, seconded by Council President Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1683

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 71
“OFFICERS AND EMPLOYEES” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES PERTAINING TO EMPLOYEE DISCIPLINE**

WHEREAS, Ordinance 1683 was introduced at a meeting of the Mayor and Council held on the 21st day of June 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1683 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July 2016 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 1683; 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 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 1684 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 1684

**AN ORDINANCE AMENDING AND SUPPLEMENTING
PROVISIONS OF CHAPTER 356 “PARKS AND PUBLIC LANDS”
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES**

WHEREAS, Ordinance 1684 was introduced at a meeting of the Mayor and Council held on the 21st day of June 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1684 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July 2016 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 1684; 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 – Borough Administrator, Greg Hart, confirmed that barbecuing is not permitted at the park.

Roll Call Vote:

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

Move to take up consideration of Ordinance 1685 for Introduction, and direct the Borough Clerk to read by title was made by Council President Lambrix, seconded by Councilmember Kelly. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

ORDINANCE 1685

**AN ORDINANCE AMENDING ORDINANCE NO. 1676 TO INCREASE
THE APPROPRIATION FOR THE PURCHASE OF VARIOUS ITEMS
AND CERTAIN CAPITAL IMPROVEMENTS FROM \$310,000 TO \$318,000**

WHEREAS, Ordinance 1685 was introduced at a meeting of the Mayor and Council held on the 21st day of June 2016;

NOWHEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, State of New Jersey, that Ordinance 1685 be and the same is hereby introduced on First Reading; and,

BE IT FURTHER RESOLVED that said Ordinance will be further considered for final passage at a meeting of the said Mayor and Council to be held on the 19th day of July 2016 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 1685; 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 explained this is an \$8,000 increase because in the original Ordinance the grant professional fee was not included.

Roll Call Vote:

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

Nays:

Abstain:

Absent:

Motion Approved.

CLOSED SESSION

BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that a Closed Meeting be held on Tuesday, June 21, 2016 which begins at 7:30 PM, in the Council Chamber at the Municipal Building to discuss the following:

Closed meeting issues:

- Personnel – Sergeant Promotions

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

ADJOURNMENT

Motion to adjourn the meeting was made at 8:00 PM by Councilmember Kahwaty, seconded by Councilmember Cadicina. On voice vote, all in favor.

Resolution 177-16 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 \$655,426.00 as shown on the Claims Bill List; \$225.00 as shown on the Soil Account Bill List and \$0.00 as shown on the Developers Escrow List.

Resolution 178-16 Accept 2015 Audit Report

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 2015 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.

Resolution 179-16 Accept and Approve 2015 Corrective Action Plan

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 2015 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 180-16 Amend Personnel Policy – Employee Discipline and Payments in Lieu

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey, that the fifth paragraph of paragraph 44 “Health Insurance Policy” of the Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

Borough employees that are entitled to health insurance may opt to decline health insurance and receive monthly payments in lieu of health insurance. The payments shall be calculated as follows: the amount of the premium that the Borough is paying or would pay for the employee's health insurance less the employee contribution that the employee would have paid for the coverage, multiplied by 25%. Payments would be made on a schedule to be determined by the Borough. To be eligible, the employee must submit a written request to the Borough Administrator on a form provided by the Borough Administrator and provide proof of other group insurance coverage. This proof of coverage must be an official document verifying that the employee is insured under a group health insurance plan. A copy of an insurance identification card is not sufficient. Employees will not be permitted to re-enroll for health insurance coverage until either the "open enrollment" period for health insurance or a qualifying event as set forth in the Borough's Section 125 plan.

BE IT FURTHER RESOLVED that the fourth paragraph of paragraph 45 "Dental Benefits Policy" of the Personnel Policies and Procedures Manual and the Employee Handbook is hereby amended to read as follows:

Borough employees that are entitled to dental insurance may opt to decline dental insurance and receive monthly payments in lieu of dental insurance. The payments shall be calculated as follows: the amount of the premium that the Borough is paying or would pay for the employee's dental insurance less the employee contribution that the employee would have paid for the coverage, multiplied by 25%. Payments would be made on a schedule to be determined by the Borough. To be eligible, the employee must submit a written request to the Borough Administrator on a form provided by the Borough Administrator. Employees will not be permitted to re-enroll for dental insurance coverage until either the "open enrollment" period for dental insurance or a qualifying event as set forth in the Borough's Section 125 plan.

BE IT FURTHER RESOLVED that the paragraphs entitled "Suspension" and "Dismissal" in paragraph 58 "Disciplinary Action Procedure" of the Personnel Policies and Procedures Manual are hereby repealed and the following is substituted therefor:

- **Suspension and Dismissal:** The Borough Administrator will make the decision on suspension and/or dismissal of an employee, and he or she may seek the advice of the Labor Attorney if appropriate.

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to every employee.

Resolution 181-16 Award Contract – DPW Wheel Loader

WHEREAS, the Borough of Franklin Lakes Department of Public Works has a need to purchase a four-wheel drive wheel loader; and,

WHEREAS, the Educational Services Commission of New Jersey ("ESCNJ") is the Lead Agency for New Jersey State Approved Cooperative Pricing System Number 65MCECCPS ("ESCNJ Cooperative Pricing System"); and,

WHEREAS, the Borough of Franklin Lakes is a member of the ESCNJ Cooperative Pricing System; and,

WHEREAS, ESCNJ has publicly bid for the purchase of 624K four-wheel drive wheel loaders and has awarded a contract under the ESCNJ Cooperative Pricing System (Bid #MRESC 15/16-08) for said equipment to Jesco Inc., 18 St. Nicholas Avenue, South Plainfield, New Jersey 07080; and

WHEREAS, DPW Superintendent Rich Lilienthal recommends that the Borough award a contract in accordance with the ESCNJ Cooperative Pricing System for the purchase of a John Deere 624K four-wheel drive wheel loader to Jesco Inc. for the proposal amount of \$214,050.34; and,

WHEREAS, the Chief Financial Officer has certified that funds are available for said purchase;

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 DPW Superintendent is hereby approved and the contract for the purchase of a John Deere 624K four-wheel drive wheel loader be and is hereby awarded to Jesco Inc., in accordance with the terms of ESCNJ Cooperative Pricing System Bid #MRESC 15/16-08, for the proposal amount of \$214,050.34; and,

BE IT FINALLY RESOLVED, that a copy of this resolution be forwarded to Jesco, Inc., Educational Services Commission of New Jersey and the Superintendent of Public Works.

Resolution 182-16 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, 2016 through June 30, 2017 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, 2016 through June 30, 2017 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, 2016 through June 30, 2017.

Resolution 183-16 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, 2016 through June 30, 2017;

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 184-16 Bergen Volunteer Center 50th Anniversary

WHEREAS, the Bergen Volunteer Center was founded in 1966 to meet community needs through the power of volunteers. Its direct service programs organize volunteers to provide invaluable support to some of Bergen County's most vulnerable citizens. The Mentoring Youth program has recruited, trained and supervised volunteer mentors for children who have been abused or neglected; since 1978 Mentoring Youth has provided a trusted mentor to more than 3,700 children. The Mentoring Moms program recruits, trains and supervises mentors for mothers whose children are at-risk for abuse or neglect; since 1995 more than 500 mothers have been matched with a mentor. The Chore Service provides home safety repairs for senior citizens and the disabled free of charge through the volunteer efforts of senior citizens. The Business Volunteer Council organizes corporations to help eliminate hunger and illiteracy; and

WHEREAS, the Bergen Volunteer Center ensures that Bergen County has a pipeline of committed, civic leaders through its training programs: Bergen LEADS for adults and Teen LEADS and Ready-Set-Serve for young people. They also strengthen the nonprofit community by maintaining a database of volunteer opportunities, providing volunteer managers’ training and the Expert Exchange workshops and webinars; and

WHEREAS, Franklin Lakes Municipality has benefitted from the efforts of the Bergen Volunteer Center since 2010 in the following ways:

- 34 residents received safety repairs from the Chore Service
- 1 child received a mentor
- 3 residents participated in Bergen LEADS; and

WHEREAS, residents of Franklin Lakes Municipality have supported the Bergen Volunteer Center since 2010 in the following ways:

- 3 served as Mentoring Youth mentors
- 3 served as Mentoring Moms mentors
- 69 supported the Bergen Volunteer Center with their philanthropy; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Franklin Lakes Municipality, County of Bergen, hereby honors the Bergen Volunteer Center for its 50 years of turning caring into action and knowing that the Bergen Volunteer Center is not getting old, it is just getting started.

Resolution 185-16 Change Order No. 6 – Police Headquarters

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen and State of New Jersey that Change Order #006 for the Franklin Lakes Police Building Addition project be and is hereby approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

PROJECT	Franklin Lakes Police Building Addition
ARCHITECT	Arcari & Iovino Architects, P.C.
CONTRACTOR	M.B.T. Contracting LLC 63 Beaver Brook Road Suite 104C Lincoln Park, New Jersey
ORIGINAL CONTRACT COST	\$796,400
COST OF CHANGE ORDER #001	\$3,750
COST OF CHANGE ORDER #002	\$875
COST OF CHANGE ORDER #003	\$0
COST OF CHANGE ORDER #004	\$30,190.25
COST OF CHANGE ORDER #005	\$17,512.40
COST OF CHANGE ORDER #006	\$1,886.00
NEW CONTRACT SUM	\$850,613.65
CHANGE ORDER NUMBER	#006
NATURE OF CHANGES	Installation of sprinkler

Resolution 186-16 Facilities Use Permit – RYSA Soccer

WHEREAS, the Ramapo Youth Soccer Association has requested the use of Pulis Field, Muni 1, Muni 2 and Muni 3 for its Ramapo Youth Soccer Association Wildcat Soccer Tournament to be held September 3 and 4th 2016, with a rain date on September 5, 2016;

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 Pulis Field, Muni 1, Muni 2 and Muni 3 for its Ramapo Youth Soccer Association Wildcat Soccer Tournament to be held September 3 and 4th 2016, with a rain date on September 5, 2016, 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 187-16 Hold Harmless Agreement – Kayal

WHEREAS, Robert and Kim Kayal, owners of Block 1209, Lot 7, in the Borough of a Franklin Lakes, has applied to the Planning Board for permission to install a five foot high Jerith style fence within a drainage easement owned by the Borough; and

WHEREAS, the Engineer and Planning Board recommends that a Hold Harmless Agreement be executed as a condition of the grant of permission;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Clerk be authorized to sign a Hold Harmless Agreement with Robert and Kim Kayal, in a form prepared by the Borough Attorney.

Resolution 188-16 Liquor License Renewals

BE IT RESOLVED, that the Mayor and Council of the Borough of Franklin Lakes approve the following A.B.C. Licenses for 2016-2017:

Franklin Lakes Indian Trail Club, Inc., 830 Franklin Lake Road
Lic. # 0220-33-002-002 at a fee of \$2,332.00

Urban Farms Liquors, 823 Franklin Lake Road (Inactive License)
Lic. # 0220-33-006-002 at a fee of \$2,332.00

Endless Vine, LLC, PO Box 208 (Inactive License)
Lic. # 0220-33-001-007 at a fee of \$2,332.00

Vishant, Inc., 799 Franklin Avenue
Lic. # 0220-44-003-005 at a fee of \$2,332.00

Resolution 189-16 Online Auction GovDeals

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

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

- 2006 Canon Image Runner 2016 Copier; Model # IR2016; Serial #KRE02962; 38,309 copies, with two Canon GPR-15 toner cartridges

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

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

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

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

Resolution 190-16 Performance Bond Reduction – Franklin Lakes Realty

WHEREAS, Franklin Lakes Realty, LLC 556 Colonial Road, Franklin Lakes, New Jersey, has requested a reduction in the amount of the performance bond posted for their project; and,

WHEREAS, the Borough Engineer, in a letter dated June 6, 2016, advises that the performance bond may be reduced to \$695,124.00; and,

WHEREAS, the Borough Engineer has indicated that retaining a performance bond in said amount shall be sufficient to secure the completion of remaining improvements; 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 the recommendation of the Borough Engineer is hereby accepted and therefore the performance bond posted by Franklin Lakes Realty, LLC may be reduced to \$695,124.00; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to Franklin Lakes Realty, LLC, the Borough Engineer, and the Planning Board.

Resolution 191-16 Reappointment – Tax Assessor

WHEREAS, pursuant to NJSA 40A:9-146, the governing body or chief executive, as shall be appropriate to the form of government of the municipality, shall provide for the appointment of a tax assessor who shall have the duty of assessing property for the purpose of general taxation; and

WHEREAS, Edmund Brown was appointed as the tax assessor on July 1, 2014, and continues to maintain his tax assessor certificate provided for in P.L. 1967, C.44 (c.54:1-35.25 et seq); and

WHEREAS, the Borough Administrator recommends the reappointment of Edmund Brown to the position of Tax Assessor.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that we do hereby reappoint Edmund Brown Borough Tax Assessor to a four-year term, effective July 1, 2016.

Resolution 192-16 Tax Refund – Turi

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 2015, on Block 2101.08 Lot 12 whose property location is 991 Scioto Drive, Franklin Lakes, tax payers Leonard P. & Zaneta Turi,

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 Chief Financial Officer 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>
2101.08	12	\$ 500,000 (2015)	\$ 7,995.00

Resolution 193-16 Tax Refund – Raphael

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

WHEREAS, the Tax Court reduced their assessment therefore reducing the property taxes previously paid for the year(s) 2010, 2012, 2013, 2014 and 2015, on Block 1604.08 Lot 3 whose property location is 705 Carriage Lane, Franklin Lakes, property owner Raphael, Richard M. & Gay M./CMR Trust,

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 Chief Financial Officer 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>
1604.08	3	\$ 600,000 (2010)	\$ 7,476.00
		\$ 363,500 (2012)	\$ 5,572.46
		\$ 363,500 (2013)	\$ 5,659.70
		\$ 423,500 (2014)	\$ 6,657.42
		\$ 423,500 (2015)	\$ 6,771.77

Total Refund \$ 32,137.35

Resolution 194-16 Tree Removal Permit – 721 Cottonwood Trail

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, Sandy Squillante, who resides at 721 Cottonwood 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 May 12, 2016; 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 that the recommendation of the Shade Tree Commission as set forth in its memo dated May 12, 2016 is hereby approved, and the tree removal application for 721 Cottonwood 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 Sandy Squillante, the Tree Specialist and the Shade Tree Commission.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk