

**MEETING OF THE MAYOR AND COUNCIL  
AUGUST 16, 2016  
7:30 P.M.**

A regular meeting of the Mayor and Council was held on August 16, 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 Kahwaty (via phone), Councilmember Kelly, Council President Lambrix and Councilmember Swist. Also present were Borough Administrator Hart, Borough Attorney Crotty and Borough Clerk Sally Bleeker. Absent were Councilmember Cadicina and Councilmember Ramsey and Borough Attorney Smith.

Additionally present, was Mayor for the Day, Sloan Spiewak.

**SUNSHINE LAW STATEMENT**

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

**FLAG SALUTE**

**MOMENT OF SILENT REFLECTION**

**PROCLAMATIONS**

**2016 Drive Sober or Get Pulled Over**

**WHEREAS**, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

**WHEREAS**, impaired driving crashes cost the United States almost \$50 Billion a year; and

**WHEREAS**, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**THEREFORE**, be it resolved that the Mayor and Council of the Borough of Franklin Lakes declares its support for the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

**ORDINANCES FOR FINAL READING AND ADOPTION**

Motion made by Councilmember Swist to take up Ordinance 1688 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 1688**

**AN ORDINANCE SUPPLEMENTING THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH CHAPTER 137 “AIRCRAFT, SMALL UNMANNED”**

*Summary – This ordinance establishes regulations for small unmanned aircraft, commonly known as drones.*

**WHEREAS**, Ordinance 1688 was introduced at a meeting of the Mayor and Council held on the 19<sup>th</sup> day of July, 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 1688 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 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 Council President Lambrix, seconded by Councilmember Kelly. On voice vote, all in favor.

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Kelly. Discussion – Councilmember Kahwaty read an email which was received today asking that the Mayor and Council table this Ordinance. Mayor Bivona said the Ordinance does not conflict. Borough Attorney Crotty said that Borough Attorney Smith recommends that the Ordinance be adopted and that this is not a conflict with FAA regulation.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey

Motion Approved.

Motion made by Councilmember Kelly to take up Ordinance 1689 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

**ORDINANCE 1689**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR CERTAIN IMPROVEMENTS AT PARSONS POND PARK, AND APPROPRIATING \$25,000.00 FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN, BY AND FOR THE BOROUGH OF FRANKLIN LAKES, IN THE COUNTY OF BERGEN, NEW JERSEY**

*Summary – This ordinance appropriates \$25,000 for certain improvements at Parsons Pond Park including street signs and striping, and park signs.*

**WHEREAS**, Ordinance 1689 was introduced at a meeting of the Mayor and Council held on the 19<sup>th</sup> day of July, 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 1689 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 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 Council President Lambrix, seconded by Councilmember Swist. On voice vote, all in favor.

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey

Motion Approved.

Motion made by Councilmember Kelly to take up Ordinance 1690 for consideration of adoption on second and final reading, and direct the Borough Clerk to read by title, seconded by Council President Lambrix. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

**ORDINANCE 1690**

**AN ORDINANCE CREATING A NEW CHAPTER 370 OF THE  
CODE OF THE BOROUGH OF FRANKLIN LAKES ENTITLED  
“PROPERTY, REHABILITATION OF ABANDONED”**

*Summary – This ordinance establishes a registration process for properties that are in default on property’s mortgage and a process for preparation of a list, serving and publishing notice for abandoned homes in accordance with the Abandoned Properties Rehabilitation Act.*

**WHEREAS**, Ordinance 1690 was introduced at a meeting of the Mayor and Council held on the 19<sup>th</sup> day of July, 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 1690 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 Council President Lambrix. 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 Kelly, seconded by Council President Lambrix. On voice vote, all in favor.

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey

Motion Approved.

**OPEN THE TIME FOR PUBLIC COMMENT**

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

Doreen Fega – Saddle Brook. Ms. Fega came forward and spoke about the New Jersey bear hunt. She requested that the Mayor and Council put a resolution on the agenda banning hunting.

Mayor Bivona said that was unnecessary because there is already no hunting allowed in Franklin Lakes. Ms. Fega will leave the draft resolution that she has.

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

**CONSENT RESOLUTION 223-16**

**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 224-16 | Accept Report of the Finance Committee   |
| Resolution 225-16 | Authorize Mayor and Clerk to Sign Developers Agreement – Gabrellian Associates |
| Resolution 226-16 | Authorize Procurement of Federal Surplus Property                              |
| Resolution 227-16 | Award Contract – Parsons Pond Park Signs                                       |
| Resolution 228-16 | Award Contract – Payroll Services  |
| Resolution 229-16 | Award Contract – Striping and Signage for Speed Humps                          |
| Resolution 230-16 | Change Order No. 3 – Municipal Complex Sanitary Sewers                         |
| Resolution 231-16 | Consent for Placement of Verizon Wireless Antenna                              |
| Resolution 232-16 | Consent to Modification of Cell Tower Lease                                    |
| Resolution 233-16 | Stipulation of Settlement – Lichtstein   |
| Resolution 234-16 | Stipulation of Settlement – Shah, Ramesh and Sunil                             |
| Resolution 235-16 | Stipulation of Settlement – Shah, Sanjay and Roopa                             |
| Resolution 236-16 | Tree Removal Permit – Hegarty  |

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

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey  
Motion Approved.

## RESOLUTIONS

### Resolution 237-16 Facilities Use Permit – Express Scripts

**WHEREAS**, Express Scripts has requested the use of Borough facilities, Parsons Pond Park, for its IT Department Picnic to be held Wednesday September 21, 2016 from 8:00 AM till 5:00 PM;

**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 Express Scripts is hereby granted permission to use Borough facilities for its IT Department Picnic to be held Wednesday September 21, 2016 from 8:00 AM till 5:00 PM 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 the Express Scripts and the Recreation and Parks Director.

Resolution read and introduced by Council President Lambrix, seconded by Councilmember Swist. Discussion – Mayor Bivona reported that Risk Management has looked at the site and so far has not reported any hazards.

#### Roll Call Vote:

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

### Resolution 238-16 Change Order No. 2 – Fire Apparatus

**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 #2 for the two fire apparatus for the Franklin Lakes Fire Department be and is hereby approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

PROJECT	Franklin Lakes Fire Department Apparatus
VENDOR	Pierce Manufacturing, Inc. P.O Box 2017 2600 American Drive Appleton, Wisconsin 54913
ORIGINAL CONTRACT COST	\$1,328,824
COST OF CHANGE ORDER #1	\$4,879
COST OF CHANGE ORDER #2	\$6,255
NEW CONTRACT SUM	\$1,339,958
CHANGE ORDER NUMBER	#2
NATURE OF CHANGES	Adjustment to seating

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

Roll Call Vote:

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

**ACTION ON MINUTES**

Motion to accept the minutes was made by Councilmember Kahwaty and seconded by Council President Lambrix:

- July 5, 2016 Work Session
- July 19, 2016 Regular Meeting
- July 19, 2016 Closed Session
- August 2, 2016 Closed Session

Roll Call Vote:

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

**OLD BUSINESS**

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

**NEW BUSINESS**

Mayor reported on the Movie Under the Stars and that the Gabrellian project application is almost complete and they are looking to refinance some bonds. Council President Lambrix added that they are reviewing options of refunding bonds callable in March of 2018. He further explained that we can lock in a lower interest rate. The net savings is \$300,000 over the term.

**INTRODUCTION OF ORDINANCES ON FIRST READING**

Motion to take up consideration of Ordinance 1687 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 1687**

**AN ORDINANCE AMENDING CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND REFERENCE TO IMPERVIOUS COVERAGE IN AREA AND BULK REGULATIONS SCHEDULE**

**WHEREAS**, Ordinance 1687 was introduced at a meeting of the Mayor and Council held on the 16th day of August 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 1687 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 20th day of September 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 1687; 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 Council President Lambrix, seconded by Councilmember Kelly. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey

Motion Approved.

Motion to take up consideration of Ordinance 1691 for Introduction, and direct the Borough Clerk to read by title was made by Council President Lambrix, seconded by Councilmember Swist. On voice vote, all in favor.

The Borough Clerk read the Ordinance by title only.

**ORDINANCE 1691**

**AN ORDINANCE TO VACATE THE RIGHT OF WAY DESCRIBED AS “COURT STREET” AS SHOWN ON A MAP OF THE PROPERTY OF WILLIAM P. KALFF AND TRI-CORNER REALTY COMPANY INC. DATED JUNE 1930, AND FILED IN THE BERGEN COUNTY CLERK’S OFFICE AS MAP NO. 2667**

**WHEREAS**, Ordinance 1691 was introduced at a meeting of the Mayor and Council held on the 16th day of August 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 1691 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 20th day of September 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 1691; 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 Council President Lambrix, seconded by Councilmember Swist. Discussion – none.

Roll Call Vote:

Ayes: Kahwaty, Kelly, Lambrix, Swist

Nays:

Abstain:

Absent: Cadicina, Ramsey

Motion Approved.

## **CLOSED SESSION**

At this time, there were no items to discuss in Closed Session.

## **ADJOURNMENT**

Motion to adjourn the meeting was made at 8:05 PM by Councilmember Kahwaty, seconded by Councilmember Swist. On voice vote, all in favor.

### **Resolution 224-16 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 \$455,016.40 as shown on the Claims Bill List; \$3,160.00 as shown on the Soil Account Bill List and \$3,424.97 as shown on the Developers Escrow List.

### **Resolution 225-16 Authorize Mayor and Clerk to Sign Developers Agreement – Gabrellian Associates**

**WHEREAS**, a Developers Agreement for Franklin Lakes Towne Square, LLC and Gabrellian Associates, for the property located at Colonial Road and Franklin Avenue, which is designated as Block 1419, Lots 2, 7, 8,8.02, 8.02, 21, 21.01, 22 and 26 and Block 1418, Lots 1-6 as shown on the Tax Map of the Borough, has been prepared by Mark D. Madaio, Esq., attorney for the Planning Board of the Borough of Franklin Lakes; 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 Mayor and Borough Clerk are hereby authorized and directed to sign the Developer's Agreement for Franklin Lakes Towne Square, LLC and Gabrellian Associates, substantially in the form as prepared by Planning Board Attorney; and,

**BE IT FURTHER RESOLVED** that this resolution is conditioned upon approval of a resolution for the development of the subject property by the Planning Board, approval of the Developer's Agreement for the subject property by the Planning Board, and approval of the Developer's Agreement by the Borough Attorney; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be forwarded to Franklin Lakes Towne Square, LLC, Gabrellian Associates, the Borough Attorney, the Planning Board and the Planning Board Attorney.

### **Resolution 226-16 Authorize Procurement of Federal Surplus Property**

**WHEREAS**, federal law permits the Department of Defense to transfer to federal and state agencies personal property of the Department that it determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities and is excess to the needs of the Department; and

**WHEREAS**, this program is generally known as the "1033 program," that allows local law enforcement agencies to obtain, at little or no cost surplus federal property; and

**WHEREAS**, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 program; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator of" the program; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body".

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Franklin Lakes in the County of Bergen, State of New Jersey that:

1. Pursuant to N.J.S.A. 40A:5-30.2a, the governing body hereby authorizes and directs the Chief of Police to designate a qualified individual to file the necessary application materials for continued participation in the 1033 program.
2. Pursuant to N.J.S.A. 40A:5-30.2b, the governing body hereby authorizes and directs the Chief of Police to designate a qualified individual to maintain an inventory of surplus property obtained under the 1033, subject to the following conditions:
  - a. Within thirty (30) days of its acquisition, all property obtained under the program shall be subject to review by the governing body to determine whether any such property obtained should be rejected and removed from the Borough's inventory; and
  - b. If after appropriate notice to the governing body, no action to reject the property obtained is taken within thirty (30) days of its acquisition, it shall hereby be deemed accepted by the governing body and put into service or otherwise disposed of as necessary.

**Resolution 227-16 Award Contract – Parsons Pond Park Signs**

**WHEREAS**, the Borough solicited proposals from several vendors for the fabrication of signs for Parsons Pond Park and McBride Field; and,

**WHEREAS**, the Borough Administrator recommends that the contract for the fabrication of signs be awarded to American Woodcarving, 1123 Route 23 South, Wayne, New Jersey, in accordance with the unit prices set forth in Estimates #4664 and 4665, dated August 11, 2016, for a total contract amount of \$11,115;

**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 Borough Administrator is hereby accepted and the contract for the fabrication of signs for Parsons Pond Park and McBride Field be and is hereby awarded to American Woodcarving for the contract price of \$11,115; 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 are sufficient appropriations to fund the payments authorized in this resolution as an express and mandatory condition of the award of this contract; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to American Woodcarving.

**Resolution 228-16 Award Contract – Payroll Services**

**WHEREAS**, the Payroll Administrator, Meena Sivakumar, solicited proposals from five payroll providers for payroll services for the Borough of Franklin Lakes; and,

**WHEREAS**, the Borough received two proposals for payroll services in response to the request for proposals; and

**WHEREAS**, Payroll Administrator Meena Sivakumar and Chief Financial Officer William Pike have recommended, by email dated July 13, 2016, which is incorporated by reference herein, that a two year contract with a Borough option for two additional one year periods be awarded to Action Data Services, 1 Sherwood Lane, Fairfield, New Jersey, upon the terms and conditions in its June 3, 2016 proposal, which is incorporated by reference herein, based on price and other factors;

**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 Payroll Administrator and Chief Financial Officer is approved and a two year contract for payroll services (with Borough option for two additional one year periods) be and is hereby awarded to Action Data Services, upon the terms and conditions in its June 3, 2016 proposal, for the base proposal amount of \$10,000 per year, based on price and other factors; 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 the Mayor and Borough Clerk are authorized to execute an agreement for payroll services upon review and approval of the agreement by the Borough Attorney.

**Resolution 229-16 Award Contract – Striping and Signage for Speed Humps**

**WHEREAS**, the Borough Engineer solicited proposals from multiple vendors for striping and signage for the speed humps on Parsons Pond Road; and,

**WHEREAS**, the Borough Engineer recommends that the contract for striping and signage for the speed humps on Parsons Pond Road be awarded to Statewide Striping Corp., 499 Pomeroy Road, Parsippany, New Jersey, 07054 for a unit price of \$1,100 for each of the 11 speed humps, as set forth in an email from Boswell Engineering dated June 28, 2016, for a total contract amount of \$12,100;

**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 Borough Engineer is hereby accepted and the contract for striping and signage for the speed humps on Parsons Pond Road be awarded to Statewide Striping Corp., for a unit price of \$1,100 for each of the 11 speed humps, for a total contract amount of \$12,100; 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 are sufficient appropriations to fund the payments authorized in this resolution as an express and mandatory condition of the award of this contract; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Statewide Striping Corp. and Boswell Engineering.

**Resolution 230-16 Change Order No. 3 – Municipal Complex Sanitary Sewers**

**RESOLVED**, by the Mayor and Council of the Borough of Franklin Lakes that Change Order # 3 & Final be approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

GENERAL CONSTRUCTION	Municipal Complex Sanitary Sewer Improvements
ENGINEER	Boswell McClave Engineering
CONTRACTOR	Underground Utilities Corp. 711 Commerce Road Linden, New Jersey
ORIGINAL CONTRACT COST INCLUDING ALTERNATE C	\$1,060,539.25 (\$1,008,399.25 + \$52,140.00)
COST OF CHANGE ORDER #1	\$25,000.00
COST OF CHANGE ORDER #2	\$35,000.00
COST OF CHANGE ORDER #3	(\$13,102.59.00)
NEW CONTRACT SUM	\$1,107,436.66
CHANGE ORDER NUMBER	#3
NATURE OF CHANGES	As-Built Quantities

**Resolution 231-16 Consent for Placement of Verizon Wireless Antenna**

**WHEREAS**, New York SMSA Limited Partnership, d/b/a Verizon Wireless (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and,

**WHEREAS**, Verizon Wireless has represented that it has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Borough of Franklin Lakes; and,

**WHEREAS**, Verizon Wireless, by emails dated May 16 and July 14, 2016, has requested joint use of a pole to be located at “Proposed Alternate Node Location 2 (40.993099, -74.214156),” which is generally located on the south side of Franklin Lake Road, within the County right-of-way proximate to the bocce court at McBride Field, which emails and attachments are incorporated by reference herein; and,

**WHEREAS**, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

**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 permission is hereby granted to Verizon Wireless and its successors and assigns, to jointly use a utility pole erected or to be erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Franklin Lakes at the location described as “Proposed Alternate Node Location 2 (40.993099, -74.214156),” subject to the following:

1. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
2. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Franklin Lakes.
3. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Franklin Lakes, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way.
4. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Franklin Lakes as an additional insured.
5. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
6. Costs incurred by the Borough, if any, for legal or engineering fees in reviewing the Verizon Wireless proposal or in the preparation or review of documents in connection with the proposal, shall be reimbursed by Verizon Wireless.
7. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

**Resolution 232-16 Consent to Modification of Cell Tower Lease**

**WHEREAS**, by letter dated August 8, 2016, Crown Castle, on behalf of Verizon Wireless, has requested the consent of the Borough to the modification of Verizon Wireless’ equipment at the wireless communications facility adjacent to the Police Headquarters;

**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, in accordance with the letter dated August 8, 2016, the Borough hereby consents to the modification of Verizon Wireless' equipment at the wireless communications facility adjacent to the Police Headquarters; and,

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized and directed to sign the said August 8, 2016 letter as an acknowledgment of the Borough's consent; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be provided to Crown Castle.

**Resolution 233-16 Stipulation of Settlement – Lichtstein**

**Block: 1110.07**  
**Lot: 12**  
**Street Address: 710 Cheyenne Drive**  
**Owner: Lichtstein, Jerome**

**WHEREAS**, an appeal of the tax assessment for the years 2015 and 2016 has been filed for the above-noted property; and

**WHEREAS**, an adjustment in the assessed value has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment/these adjustments 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/year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments/this adjustment.

**Tax Year: 2015**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 516,000	\$ 516,000
Improvements	\$ 892,600	\$ 867,600
Total	\$1,408,600	\$1,383,600

**Tax Year: 2016**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 516,000	\$ 516,000
Improvements	\$ 892,600	\$ 867,600
Total	\$1,408,600	\$1,383,600

**Resolution 234-16 Stipulation of Settlement – Shah, Ramesh and Sunil**

**Block: 1104**  
**Lot: 12**  
**Street Address: 814 Sussex Road**  
**Owner: Shah, Ramesh & Sunil**

**WHEREAS**, an appeal of the tax assessment for the years 2015 and 2016 has been filed for the above-noted property; and

**WHEREAS**, an adjustment in the assessed value has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment/these adjustments 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/year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments/this adjustment.

**Tax Year: 2015**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 547,500	\$ 547,500
Improvements	\$ 738,100	\$ 652,500
Total	\$1,285,600	\$1,200,000

**Tax Year: 2016**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 547,500	\$ 547,500
Improvements	\$ 738,100	\$ 652,500
Total	\$1,285,600	\$1,200,000

**Resolution 235-16 Stipulation of Settlement – Shah, Sanjay and Roopa**

**Block: 2205**  
**Lot: 3.05**  
**Street Address: 403 Jay Court**  
**Owner: Shah, Sanjay and Roopa**

**WHEREAS**, an appeal of the tax assessment for the years 2014 and 2015 has been filed for the above-noted property; and

**WHEREAS**, an adjustment in the assessed value has been recommended by the Tax Assessor of the Borough of Franklin Lakes, and it is believed that this adjustment/these adjustments 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/year, and the Borough Attorney is authorized to execute an appropriate Stipulation of Settlement agreeing to the entry of a judgment reflecting these adjustments/this adjustment.

**Tax Year: 2014**

	<u>Original Assessment</u>	<u>Tax Court Judgment</u>
Land	\$ 457,000	\$ 457,000
Improvements	\$1,839,200	\$1,739,200
Total	\$2,296,200	\$2,196,200

**Tax Year: 2015**

Original	Tax Court
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	<u>Assessment</u>	<u>Judgment</u>
Land	\$ 457,000	\$ 457,000
Improvements	\$1,839,200	\$1,739,200
Total	\$2,296,200	\$2,196,200

**Resolution 236-16 Tree Removal Permit – Hegarty**

**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, Jani Hegarty, who resides at 232 Greenridge Road, 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 June 16, 2016;

**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 June 16, 2016 is hereby approved, and the tree removal application for 232 Greenridge Road 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 Jani Hegarty, the Tree Specialist and the Shade Tree Commission.

Respectfully submitted,



Sally T. Bleeker, Borough Clerk