

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
FEBRUARY 22, 2011**

Mayor Crowley called the meeting to order 7:05 P.M. and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mrs. Gardell, Mr. Giordano, Ms. Miller, Mr. Snyder, Mr. Zschack, and Mayor Crowley. Also present was Borough Attorney, John Ursin Esq.

Absent: Mr. Kulsar

Mayor Crowley led the assembly in the flag salute.

Mayor Crowley stated: "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

PRESENTATION

Steve Sluka, Chairman of the Board of Public Works addressed the Council regarding the Solid Waste Contract. Mr. Sluka referred to a hand out Garbage Bid Specifications dated February 2011. Mr. Sluka explained to the Council the Base bid, Alternate #1, #2 and #3. Mrs. Gardell explained #5 in the hand out; providing alternate pricing for actual weight, not estimated and taken to the SCMUA. This would require a dedicated truck strictly for Franklin pick-up. There was a discussion on multiyear contracts, rising gas prices, rising tipping fees, buying our own garbage truck and BPW doing the collection, a sticker program and if you have to take the lowest bidder.

CONSENT AGENDA

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

Elizabethtown Gas Notice of Hearings for 3/8/11 and 3/9/11.

Stillwater Township Resolution opposing A-2095 and S-818 which revises requirements for medical service delivery.

Township of Wantage Resolution opposing A-2095 and S-818 which revises requirements for medical service delivery.

Township of Stillwater urging NJ Senate to pass S-2174 and NJ Assembly to pass A-2951.

Borough of Hamburg Resolution regarding conducting long term and short term safety improvements along RT 23.

Township of Green resolution opposing A-2095 and S-818 which revises requirements for medical service delivery.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

Franklin Police Department report for January 2011.

Municipal Court Report for January 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of February 22, 2011.

PAGE TWO OF THE MINUTES OF FEBRUARY 22, 2011

Mr. Snyder made a motion to approve the consent agenda of February 22, 2011.
Seconded by Ms. Miller.

Mayor Crowley asked if there was any discussion on the consent agenda. Mrs. Gardell questioned one voucher to Home Depot. Mr. Kilduff explained the voucher. Mr. Giordano questioned the payment to Body and Bear for the charger.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

COMMITTEE REPORTS

Mr. Giordano reported he had contacted the Ogdensburg Department of Recreation about skating. Mr. Giordano said he was told by the clerk there they have dissolved their department of recreation. They have signs skate at your own risk.

Mrs. Gardell reported on the rent leveling board application for Hillside Estates.

Administrator Jim Kilduff gave his report which is on file in the Clerk's office. Mr. Kilduff said it is very important that we meet very soon to have a workshop session to discuss the budget. Mr. Kilduff said identified two possible dates; not in the calendar for workshop meetings; Tuesday, March 1st or Thursday March 3rd. Council members agreed to March 1st as the date at 7:00 P.M.

Mr. Kilduff asked if he had the Council's support on hiring a temporary part time clerical person while the clerk is ill. Council members agreed.

There was a discussion on Norwescap moving out of the Senior Center and the Franklin Band renting the space. Attorney Ursin explained the process of leasing out government property.

FOP Lodge #57 Grievance Hearing

Attorney Ursin said number 2 on the agenda tonight is a grievance hearing relating to Officer Douma. Attorney Ursin briefly stated the issue to the Council. Attorney Ursin said there may be a possibility that under the police contract Office Douma might have had the opportunity to apply for some temporary disability benefits from an insurance policy and didn't. Attorney Ursin said that may have an effect on what's before the Council and Officer Douma's situation. Attorney Ursin said he told the attorney that we had to hear the grievance tonight because of the time frames but if he would agree to consent to a 30 day extension of the grievance time period that he and I could look into whether or not there were any temporary disability benefits available. Attorney Ursin said that would be from an insurance company not from the Borough and how that would impact the Borough's responsibilities in the situation. Attorney Ursin said throughout this whole process the temporary disability application to his knowledge was never filed and therefore was never really part of this equation.

Steve Varano, attorney representing Officer Douma, said he concurs with representation of council. Mr. Varano said he recently has been retained in this matter to handle not only the grievance that is before you now but also accidental disability pension that is pending. Mr. Varano said, upon review of the contract specifically under the insurance provision there was a policy that's provided for in the contract that calls for 6 months insurance that is separate and apart from workers comp insurance that Officer Douma received. Mr. Varano said he sees no reason why that policy should not have taken affect for the time period subsequent to the temporary compensation benefits terminating. Mr. Varano said he concurs with council if we have an opportunity to look into that, it will go a long way to resolving not only this grievance before you but also the other grievance pending he believes with regard to his employment status.

Attorney Ursin said, on behalf of your client you consent to a 30 day extension in the step 4 grievance period. Mr. Varano said yes. Attorney Ursin asked Mayor Crowley if it is acceptable to you and the Council without further notice we would schedule this

PAGE THREE OF THE MINUTES OF FEBRUARY 22, 2011

grievance hearing for March 22, which is the Council's second meeting. Mr. Varano said that's fine. Mr. Kilduff asked if the FOP is in agreement with all of this. Mr. Varano said yes.

Mayor Crowley said for the public knowledge, Officer Carl Douma was injured making an arrest on Main Street and this is what leads up to this. Mayor Crowley said the people of Franklin should realize this man was injured on behalf of their safety. Mayor Crowley thanked Officer Douma.

Mayor Crowley reported they are still working on the administrator's contract. That should be ready to present to the Council the next meeting. He also reported there is a change in the law as far as a garbage pickup that contractors are no longer allowed to take electronic TV, computer pieces and radios.

OPEN PUBLIC SESSION

Ms. Miller made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Zschack. All were in favor.

George Frizzell, owner of Hillside and Beverly Hills Estate, said he is concerned about the failure to communicate. He would like communication (a phone call) if there is an ordinance change affecting the Mobile Home Park.

Joanne Tatka, 151 Maple Road, questioned Mr. Nardella giving up water and sewer for the hospital site and snow removal overtime. Mrs. Tatka asked if we had a detective's car. Mayor Crowley said yes. Mrs. Tatka asked if we had a municipal car now. Mayor Crowley said no. Mrs. Tatka asked about the American Civil Liberty Union in New Jersey claims and where the residents have a right to free speech about any Borough issues.

Donna Arrigo, 33 Ben Franklin, said she is concerned about the parking issue going down Independence and if there is an emergency you won't get through. Mayor Crowley said we are aware of it and it is a problem that we are looking into right now.

Karen Folkert, 113 Main Street, is concerned about the dog waste problem and passed out pictures to the Council of her yard. Ms. Folkert asked what she should do if she catches this man with his dog. Mayor Crowley advised that she would have to sign a complaint. Ms. Folkert is concerned about crowds hanging out on Main Street.

There being no one else present who wished to address the Governing Body, Mr. Snyder made a motion to close the meeting to the public, seconded by Ms. Miller. All were in favor.

OLD BUSINESS

None

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on February 8, 2011. Seconded by Mr. Giordano.

Mrs. Gardell questioned on page two under old business the vehicle washing. There was a discussion on this. Mrs. Gardell referred to page four of the minutes the approval of the police car. Mrs. Gardell said there was a discussion on that and none of the discussion made it to the minutes. The Council had a discussion. Attorney Ursin said the motion is on the table to approve the minutes if the rest of the Council agrees that the changes spoken of need to be changed the motion should be voted on and the people should just vote no. The motion is on the floor to approve it; a yes vote approves it, a no vote means there should be further consideration of amendments.

PAGE FOUR OF THE MINUTES OF FEBRUARY 22, 2011

Upon roll call vote:

Ayes: Giordano, Miller, Zschack

Nays: Gardell Absent: Kulsar Abstentions: Snyder

Adoption Ordinance #2-2011 Amending Chapter 218 Signs

Mr. Zschack motioned to adopt an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 218 OF THE CODE OF THE BOROUGH OF FRANKLIN ENTITLED "SIGNS" AND AMENDING CHAPTER 161, "LAND DEVELOPMENT".

Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #2-2011. There were no comments from the public

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Adoption Ordinance #4-2011 Amending Chapter 119 Police Fees

Mr. Zschack motioned to adopt an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND REPLACING CHAPTER 119 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING POLICE ACTIVITIES." Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #4-2011. There were no comments from the public

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Approval of Aquatic Technologies Proposal for Pond Weed Management

Mr. Zschack motioned to approve the two year proposal submitted by Aquatic Technologies in the amount of \$13,150.00 per year as recommended by Brian VanDenBroek, Water/Sewer Superintendent. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resignation of Deputy Court Administrator

Mr. Zschack motioned to accept the resignation of Lindsay Miller as Deputy Court Administrator, effective March 4, 2011, with regrets. Seconded by Mrs. Gardell. All were in favor.

Approval of Interlocal Construction Contracts

Mr. Zschack motioned to approve the execution of the Interlocal Agreement for Construction Office with Hardyston Township for four years in the amount of \$101,384.00 with a 2% year over year increase and an additional \$5,000.00 per year for the first 100 Certificates of Habitability issued with an additional \$50.00 for each certificates in excess of 100. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

PAGE FIVE OF THE MINUTES OF FEBRUARY 22, 2011

Approval of Shop Rite Liquors Special Event Pennants/Streamers

Mr. Zschack motioned to approve the request submitted by Shop Rite Liquors to display pennants and streamers at their Grand Opening on March 5, 2011. Seconded by Ms. Miller.

Dominick J. Romano, owner of Shop Rite Liquor Store, stepped forward. Mr. Romano explained the applications they had submitted. There was a discussion on the display of the pennants and signs for the Grand Opening. Mr. Romano requested to put them up prior to the opening. Ms. Miller asked how prior. Mr. Romano said if we could put it up on Friday the 4th and then two weeks from March 5th. Mr. Kilduff asked if they were asking for an extra day. Mr. Romano said if you would grant us through the weekend and take them down on Monday that would be great. Council agreed. Mr. Kilduff said up on the fourth and down on Monday the twenty first. Mrs. Gardell asked the signs and the flags both. Mayor Crowley said the sign can stay up longer. Mr. Kilduff said the banner is a 35 day permit and everything else would fall under those dates we just discussed.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Giordano thanked Mr. Romano for investing in our town. Mr. Romano said one of the reasons taking over the liquor store was to move that liquor store so that we could expand that store. Mr. Giordano commented on Hooters closing.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:38 p.m., seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Marguerite Nemeth, Deputy Clerk