

**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
APRIL 12, 2011**

Mayor Crowley called the meeting to order and requested the roll be. Upon roll call, the following members of the Governing Body were present: Ms. Gardell, Mr. Giordano, Mr. Kulsar, Ms. Miller, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: None

Mayor Crowley invited scout Sean Inglis to lead 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."

Resolution Appointing Temporary Acting Clerk and/or Registrar

Mr. Giordano made a motion to adopt a Resolution appointing Rachel Heath as a temporary Acting Clerk and/or Registrar at the rate of \$20 per hour not to exceed 20 hours per week. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

At this time the Borough Attorney, John Ursin administered the oath of office to Mrs. Heath.

PRESENTATION

Franklin Fire Department 100th Anniversary

At this time Mayor Crowley recognized Freeholder Phillip R. Crabb. Freeholder Crabb stated that the Franklin Fire Department will be celebrating their 100th Anniversary this year. Freeholder Crabb gave a brief history of the Franklin Fire Department and the first fire the department fought in 1911. Freeholder Crabb presented Fire Chief Fred Babcock, Jr. with a plaque recognizing the Fire Department's 100 years of dedicated service to the community, signed by the Sussex County Board of Freeholders.

Eagle Scout Project

Mayor Crowley recognized Scout Sean Inglis. Scout Inglis explained, in detail, his proposed Eagle Project "Blazing a Trail at the Pond".

The project will include blazing a trail at the pond west of the gazebo and clearing a flat area for camping. The trail will continue on to the water. Sean will place two benches for fishing or to sit and enjoy the view by a rock near the water.

Scout Inglis informed the Council that he has received approval of his project from the Boy Scouts and has gone over the proposal with Mike Gunderman.

Mr. Kulsar stated that recreation had no problem with the project; however he voiced his concerns regarding underage persons operating the equipment. Sean Inglis stated they would have assistance with operating the equipment.

Ms. Gardell asked if there would be garbage receptacles provided. Scout Inglis stated that it would be a carry in carry out policy. Also, the brush will be used to form a natural habitat for animals.

Once started, the project should take approximately three days.

Mr. Snyder made a motion to approve the Eagle Scout Project, "Blazing a Trail at the Pond" as presented by Sean Inglis. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Approval of Consent Agenda

Mayor Crowley requested that all present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall be made at this time.

1. Township of Andover Resolution R2011-43 Opposing A-2095 and S-218 which revise the requirements for Medical Service Delivery.
2. Township of Andover Resolution R201153 Supporting A-196 Grant Municipal Courts Discretion to Assess Court Costs for Certain Dismissals and Changes Court Courts for Certain Violations.
3. Township of Hampton Opposing S1/A3477 COAH Reform.
4. Letter from Project Graduation Dated 3/23/11 RE: Donation
5. Chief Kistle dated 3/25/11 RE: Intent to Retire.
6. Letter from NJ Transit regarding Federal Transit Administration funding available to the State of New Jersey for the purchase of equipment for the transportation of senior citizens and people with disabilities.
7. Hampton Township Resolution supporting the efforts of the Townships of Vernon and Milford to Seek State Intervention to Increase Safety and Public Awareness on State Highway Route 23.
8. Franklin Borough Board of Education Reorganizational Meeting Scheduled for Monday May 2, 2011.
9. Sussex County DEP, Office of Mosquito Control annual information packet.
10. Resolution from Sussex County Board of Chosen Freeholders Requesting local Legislators to draft a Bill to amend the Open Public Records Act.
11. Memo from Ms. McCabe, Board of Elections regard delivery of election supplies for the Annual School election.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department Reports for February 2011 and March 2011.
2. Municipal Court Report for February 2011.
3. Tax Collector's Report for March 2011.
4. Construction Report for March 2011.
5. Franklin Borough COH Report for March 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application from Immaculate Conception School to use the Franklin Pond Recreation fields and bathrooms for their annual track and field events on June 3, June 6, June 13 and June 17, 2011.
2. A request from The First Presbyterian Church of Franklin to hold an Easter Dawn Service at the Franklin Pond on Sunday, April 24, 2011 at 7:00 a.m.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 12, 2011.

Mr. Giordano asked if Mr. Kilduff looked had the opportunity to look into shared services for fuel. Mr. Kilduff stated that Brian VandenBroeck is currently looking into the utilizing the services Morris County Co-op for fuel oil. Through Jim Williams, the fire department has been active in pursuing fuel purchases through their own co-op.

Mr. Giordano also requested the Borough support the local businesses. Mr. Kilduff will look into the prices to see if the local businesses are comparable. After all persons present have had an opportunity to review the consent agenda and offer requests for changes, Mayor Crowley requested a motion to approve the consent agenda.

Mr. Zschack made a motion to approve the consent agenda of April 12, 2011 as submitted. Seconded by Mr. Snyder.

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack
Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar reported that the Recreation meeting committee discussed the Littell Center Interlocal Agreement. Recreation will wait for the decision this evening to see if they will be moving forward with the new building.

Mr. Zschack reported the Planning Board will meet next Monday.

Mr. Zschack also reported that Budget Committee has cut 274,000 from the original budget. The revised budget reflects a 1.33% increase from last year. Mr. Zschack thanked the committee members, Jim Kilduff and Sam Rome for getting the tax rate down.

Mr. Giordano reported he was not informed that the Recreation Meeting cancelled and unfortunately was not informed of the rescheduled date; therefore he has no report.

Ms. Gardell reported a Board of Public Works is scheduled for this Thursday at 7:00; EDU's will be discussed. The garbage bid has been advertised; the bid opening is scheduled for June 15, 2011.

Mr. Kilduff has sent a letter the Waste Management for an extension on the existing garbage contract.

Ms. Gardell also reported that Hillside Estates has requested a meeting with the Rent Leveling Board to reconsider their retroactive sewer charges.

Attorney Ursin reported that the litigation involving Transbank and Reelcology is proceeding and nearing an end. Communication has been received that Reelcology is moving and relocating over the New York border. If they do move out it will bring the litigation to a close fairly quickly.

Mr. Kilduff gave his report which is on file in the Clerk's office. He thanked Mrs. Heath for coming out of retirement to help out in the office due to the illness of both the Clerk and Deputy Clerk; the Clerk will be out for some time. Mr. Kilduff reported that the annual street sweeping program should begin in May. Mr. Kilduff spoke with the engineer regarding the Master Street project which calls for resurfacing and sidewalks on Master Street. The total estimated cost for the project is \$172,000, the grant from NJDOT is for \$150,000 the Borough will need to make up \$22,000 and \$16,000 for engineering and design work. The CFO will prepare a Bond Ordinance for this project. This ordinance will have no impact on this years' budget.

The Borough Engineer is working on the annual compliance with NJEP for Storm Water Management Permit.

Interviews for Violations Clerk and or Deputy Court Clerk position have been ongoing. To date seven people have been interviewed. Mr. Kilduff asked the council to consider the cost benefit of hiring an entry level clerk versus an experienced court administrator and give him some direction.

Applications for a new patrolman will soon be mailed out. Upon receipt of the applications the interview process will begin.

FEMA has revised their Flood Plan Maps a call from a NJDEP representative informed Mr. Kilduff that the Borough will need to adopt a new ordinance for the revised Flood Plain Maps within the next six months.

The back-up Well Permit has been submitted to the NJDEP; hopefully the permit will be issued by the end of May, unless there are comments or questions from NJDEP during the review period.

BPW meeting is scheduled for Thursday, April 14th two projects to be discussed are I&I inflow and sewer EDUs.

Mr. Kilduff requested an executive session to discuss the Interlocal Recreation Contract.

At the Municipal Administrators' meeting last week a discussion was held regarding the county's 911 program and a proposed new power purchase cooperative program that the county would like to start.

To date, the Borough of Franklin has now received \$48,475.86 in reimbursements from the Highlands for our Highlands Grants.

Mayor Crowley announced that the Economic Development Committee is having a cleanup day on Saturday morning. The Girl Scouts have their annual garage sale scheduled for April 30th.

Mayor Crowley informed the Council that, upon reviewing personnel matters, the Employee Manual and also the Personnel Policy includes a nepotism policy that basically states that the Borough should not hire people that are related to someone currently in employed because of the potential conflict that the relative may have to supervise or evaluate that person. This policy may have an impact upon the hiring of a new patrolman.

Mayor Crowley requested an executive session to discuss the court clerk position.

OPEN PUBLIC SESSION

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

Jo-Ann Tatka, 151 Maple Road Inquired about the Master Street project. Mrs. Tatka asked if the project just included the sidewalk or will the entire road be resurfaced. Also, why would they choose Master Street over some other streets in the town that need repair?

Mayor Crowley informed Mrs. Tatka that any project funded by the DOT requires an engineer. Also, while the Scott Road project was still under construction for five years or more the state would not approve any other projects

Mr. Kilduff explained that this project was previously chosen by the prior administration.

Mayor Crowley explained that, once the Scott Road project was completed and approved, the state went back to other projects the Borough had submitted for grants and the state chose Master Street.

Mrs. Tatka also asked about the violation clerk's position. Mayor Crowley explained that this person would assist the Court Administrator during court sessions as well as assisting in the court office for 20 hours per week which will enable the office to be open during the administrator's lunch break.

Mrs. Tatka asked the situation with the Borough Clerk. Mayor Crowley explained that the Borough Clerk is out due to an illness. Marguerite is back and will be doing all of the registrar and deputy clerk functions.

Mrs. Tatka inquired about the contract for the Borough Administrator. Mayor Crowley stated that the personnel committee presented an Administrator's contract and recommended a two year contract for \$85,000 this year with a 2% raise in the second year.

Mrs. Tatka stated that she read in the paper that our Tax Collector, who is full time, also does tax collecting for Sussex. Mayor Crowley stated that our Tax Collector is full time for Franklin and works after hours on a part time for Sussex Borough.

Mrs. Tatka stated that Mr. Rome does finance for Sussex on the side, tax collector does Sussex tax collecting on the side. Mrs. Tatka asked if there are any other employees that are working for other towns on the side. Mayor Crowley is not aware of any other employees working for other towns.

Mrs. Tatka attended a court session and there was a young fellow there that gave his address as 1 Mill Street, the Franklin House. Mrs. Tatka asked if this person was allowed to live there. Mayor Crowley doubts if the address given was true; since the age restrictions at the Franklin House are very strict.

Mrs. Tatka asked if the Borough was going to be included in the solar panel project at Walkkill Valley Regional School. Mayor Crowley explained that the Borough would not be included in the project.

Dolores Rojas, 348 Rutherford Avenue stated that she was taking her daily walk and tripped on the edge of a sidewalk across the street from the Immaculate Conception Rectory. The left side of my face was totally black and blue; at Newton Hospital I received 14 stitches.

Mrs. Rojas has reported to the Road Department that there was a hole on High Street that someone could injure themselves; also, there is a small fence on Buckwheat Road and High Street, the broken metal pipe stuck out to the side of the sidewalk. Mrs. Rojas spoke to two Century Link employees and they cut part of the pipe; but that pipe is still a danger since there is not cover on the pipe.

She also stated that High Street is also a mess to walk. Mrs. Rojas feels that anyone who walks a dog on public property the dog should wear a muzzle. Why can't your road crew walk the streets instead of riding in their trucks so they can see what needs to be repaired. The curb on High Street and Buckwheat Road still has not been repaired where there was a car accident last summer.

Mrs. Rojas also spoke about the note sent complaining about the mud and ice that gathers at her front gate; it has been a mess since sidewalks were put in on Rutherford Avenue. The road crew threw a couple pails of gravel on that side of the road; grass never grew because everyone makes u-turns on that piece of property and trucks park there.

Mrs. Rojas asked why there are no yellow lines on Corkhill Road and High Street; that would be a big help for the seniors like me who drive. Mrs. Rojas passed around pictures of her injuries from her fall.

Mr. Kilduff asked Mrs. Rojas to give him a copy of the letter so he can follow-up. Mayor Crowley stated that the Borough would take care of any of the problems that are on Borough property.

Wayne Yahm of 99 Davis Road stated that the school is looking at doing a solar project. Mr. Yahm was at a county meeting, and did not see anyone representing the Borough. Mr. Yahm asked if the town is considering a solar project.

Mayor Crowley stated that there is a private company that is talking about coming in to do a solar farm over on 517 and we had also talked to some private groups that wanted to do it for the Borough on Borough property where we would get credit.

Mr. Yahm asked if the Borough is attaching to the county program or not. Mayor Crowley informed Mr. Yahm that decision has not been made. Mr. Yahm stated he is not very happy with the county program; the elementary school may do it with the county, or we may do our own. But the county meeting made it sound like, depending on the size of the project and how many people are involved, is what they are going to do. If the town is going to piggyback on the project, then with the school it might be more viable for the county to fund that for us. Mayor Crowley stated the Borough needs to look into the program further.

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

OLD BUSINESS

At this time, Mayor Crowley asked Sr. Thomasina, Director of Partnership for Social Services to come forward.

Sr. Thomasina discussed her request to waive the \$5.00 permit fee for each vendor for their upcoming Arts, Crafts & Collectibles Festival scheduled for June 18, 2011; Rain date June 25, 2011. The profits will be used to meet the needs of the people who come to her Partnership for Social Services office. Funding is very tight, therefore this event is needed to provide clothing, food, medicine, electric all the other things that we provide for the people of Franklin, Hamburg, Sussex and Ogdensburg.

Mayor Crowley asked how many vendors are expected. Sr. Thomasina is hoping for about 30 who will pay \$25 per table. If the Borough charges her \$5 per vendor, then she will have to charge \$30 per table.

Mayor Crowley informed Sr. Thomasina that, after she left the last meeting, the Council denied a waiver from an organization that was hosting the same type of event at the Littell Center. In the past, the American Legion was required to pay the \$5 fee per table. The Council has not been waiving fees for these events.

Sr. Thomasina stated that she is using the money to serve the people here in our area for more than 30 years.

Mr. Zschack stated that the last event was for a profit agency. This request is for a nonprofit organization.

Mr. Giordano made a motion to waive the \$5 fee for Sr. Thomasina's upcoming festival. Seconded by Mr. Zschack.

Mr. Giordano stated that this is a charity and should be given charity by the town.

Mr. Kulsar stated he feels that the vendors are all business people and he does not feel that an extra \$5 is going to keep them away from the event. Since the vendors are making profits, he does not see any difference from the last request.

Mr. Snyder stated that this issue has been ongoing for years, back and forth waiving fees, not waiving fees. It is up to the Council to decide if the events are profit making or not.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: Kulsar, Miller Absent: None Abstentions: None

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on March 22, 2011. Seconded by Ms. Miller.

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Adoption Ordinance #5-2011

Mr. Zschack made motion to adopt an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding Ordinance #5-2011. There being no one from the public who wished to address the ordinance, Mayor Crowley requested a roll call vote:

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Amendment to 2011 Municipal Budget

Mr. Zschack made a motion to adopt a resolution entitled "Borough of Franklin Amendment to 2011". Seconded by Ms. Miller.

Mayor Crowley informed the council that Tom Ferry is here, Sam Rome could not make the meeting this evening. The original introduced budget was 131,313 over the 2% allowed by the state. This budget committee worked to reduce the budget and had numerous meetings as well as a public workshop; it was not well attended but several hours were spent discussing the budget. The committee has reduced the budget to \$142,857 under cap.

The increase in operations from 2010 to 2011 is \$98,791. Of that amount 42,892 is reserved for uncollected taxes, uncollected taxes were up and the reserve is increased. The reduction in municipal salaries, exclusive of the police is \$103,669. The contractual in police salaries from 2010 to 2011 were \$48,678 that includes the 3 ½% increases over time and step increases which are all contractual obligations. When you factor those together the net decrease is \$54,991.

Some of the highlights in the Capital Expenditures include long term capital improvements; police vehicles, emergency medical services and fire \$24,500. Our debt service went up \$1,450. Deferred charges emergency appropriations were \$7,000 which covered such items as codification and social security expenses. Other expenses which are insurance, salt, vehicle repair and pension increases resulted in \$77,940.

Mr. Kilduff stated that this budget amendments introduced tonight reflect a workforce reduction within the Road Department. Mr. Kilduff will meet with the Road Department personnel, hopefully as early tomorrow to seek employee input on other means to reduce the budget and perhaps avoid a layoff.

The public hearing on the budget and amendments are scheduled for April 26, 2011.

Tom Perry informed the council that we are \$142,000 under the 2% levy cap, the state will allow us to bank it, we don't lose it and we can use it for three subsequent budget years. By planning our reserve for uncollected taxes we were able to utilize a special law that lets us use a three year average on our tax collection rate to calculate our reserve for uncollected taxes. The Borough's tax collection rate was at 96.38% and by doing an average in the budget you are using 97.47% saving the Borough close to \$100,000. Next year we may not be as lucky, if the economy gets better our tax collection rate goes up; the Borough may have to chip in possibly to support part of this \$142,000 that is going to be banked.

Mr. Kulsar asked if the \$48,000 of police was the 1.5% give back calculated. Mr. Kilduff stated that Sam Rome stated the calculation was based on the 3 ½% increases, the overtime and the step increases; he assumes it is reflected in the budget, but does not know the answer.

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Mr. Giordano stated he thinks it was included since Mr. Rome, when going over the budget; he included all the health care and all the other variables with his calculations.

Mr. Kilduff explained if we make more amendments to this budget, it will set the Borough back two weeks in the process. Mr. Perry agreed.

Mrs. Snyder asked the effect this year's tax appeals will have on the budget. Mayor Crowley was informed that there was no huge increase in tax appeals this year compared to last year.

Mr. Perry explained a formula that could be used if the tax appeals are substantial that would help the Borough.

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session to discuss personnel and contracts. Motion seconded by Ms. Miller

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:50 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Ms. Miller made a motion to approve an Interlocal Contract with Hardyston Township for joint recreational facility and programming at the Littell community Center for the sum of \$31,841.50 for the period January 1, 2011 through December 31, 2011. Seconded by Mr. Kulsar.

Mr. Kilduff pointed out that this contract represents a decrease of approximately \$3,400 decrease over the prior year contract.

A discussion was held regarding the use of the Littell Center facility by Franklin and Hardyston residents as well as other towns and organizations. Also discussed was the use of the Franklin Borough fields and the utility costs.

Mr. Giordano would like to see the Borough play less and thinks Mr. Kulsar is on the right path.

Mr. Snyder has reports from the Littell Center that he will share with Ms. Gardell.

Upon Roll Call Vote:

Ayes: Kulsar, Miller, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

All were in favor.

After vote:

Mr. Kulsar stated that at the interlocal meeting attended last month they received some paperwork that was missing from the Council's packet. Mr. Kulsar stated that, according to the reports, there are more out of town seniors than Franklin Seniors attending meetings.

Mayor Crowley discussed the amount of sports programs that are using the Littell Center that are not paying through the interlocal. Mr. Kulsar stated for the sports program a similar graph – 227 participants from Hardyston, 167 non-paying towns and 144 were from Franklin.

Mr. Kulsar feels that we should stop paying for the Littell Center and bring these events to our own building and our own fields and dedicate that money to our own programs.

A discussion followed regarding the use of Franklin Fields and fees charged.

Mayor Crowley stated that if the Borough does not enter into the interlocal agreement, the \$30,000 would not necessarily be available. Mayor Crowley also feels we do not need another building to maintain. Also, he feels the Senior Center is underutilized.

Mr. Kulsar stated that Franklin Recreation members want to get out of the Littell Center Contract.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Ms. Miller made a motion to adjourn the meeting at 9:20 p.m., seconded by Mr. Zschack

Paul B. Crowley, Mayor

Rachel Heath, Acting Borough Clerk