

**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 26, 2011**

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

Absent: Mr. Zschack. Mr. Zschack arrived at 7:15.

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."

Mayor Crowley announced that he is going change the order of the Agenda; he asked the Council to go to Item 9 under New Business to have the public hearing on the budget first. After the public hearing the Council will also reintroduce the Resolution Amending the 2011 Budget.

NEW BUSINESS

Mayor Crowley requested Sam Rome to present the budget.

Mr. Rome informed the Governing Body that, after speaking with Trenton, the Borough will not be able to adopt the budget. The Borough still have the public hearing on the Introduced Budget.

Trenton found a few changes that needed to be put into the Budget Amendment that was introduced at the last Mayor and Council meeting. Therefore, the Borough will have to rescind that Resolution and reintroduce another Resolution after the Public Hearing for the Budget.

Mr. Rome stated that the bottom line totals did not change from the last meeting; they needed to move a couple of lines around within the configuration of the Budget from one part of the Operating Expenses to the other part of the Operating.

Mr. Rome sent a draft of this evening's Resolution to our budget examiner in Trenton; which they never even started to look at our Budget until last Thursday. Mr. Rome spoke to the examiner at 4:30 last night and he said it looks good. There are a couple of other documentations that need to be sent to Trenton. Basically, the Budget will be good to adopt on May 10th.

Mr. Rome has provided copies of the introduced Budget figures for the public; the amended Budget will be provided at the next meeting.

The Borough has a total Budget of \$6,210,172. Mr. Rome detailed all of the changes in the revenues. One of the biggest factors was the decrease in the amount of surplus we could use in the Budget which was a 72% reduction from last year's amount. The Borough is up a little bit on our local revenues; which basically consist of all of our licensing, fees, permits, interest income, and interest on taxes. The Borough's State Aid, even though they said it was flat, the Borough was down a little bit because the State reduced the amount received "in lieu of taxes".

The Borough's State Grants received were down; but that basically is offset by the amount of expenditures as well.

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The Borough anticipated more on the delinquent taxes because our collection rate was up, or delinquent taxes were higher at the end of the year and we were able to anticipate more.

On the introduced Budget, the amount to be raised by taxes went up by \$330,000 which is a 7.85% increase.

Mr. Rome stated that the biggest increase in the Budget was the Reserve for Uncollected Taxes.

Mr. Rome stated the summary of the tax rate for the introduction of the Budget. At that time it showed an estimated increase of 16.7 cents, which is a 3.32% increase. At that point of the introduction, we were over cap. With all of the cuts the Budget Committee has worked on, the Borough is now under cap.

Mr. Rome stated that he tried to project what the rate would be. With the amendment that is proposed now, the Borough rate will come in at a 1.34% increase over last year's amount; which is basically an increase of about \$56,000.

The local school tax, with the budget that is out for vote, would reflect a 2.98% increase. They did stay at their 2% cap; however you are taking half of this year's budget and half of last year's budget. When the net goes together, it does show a little bit more than a 2% increase.

The Regional High School will be increasing their budget \$118,000; which has a lot to do with the change in the percentage with the other participating municipalities within the region. Franklin ended up with more of the pie because some of the other communities actually lost more of their assessed values that Franklin has.

Last year's average assessed value in Franklin Borough was \$221,834, this year the average assessed value is \$215,403.96. On the average home the projected tax would be an increase of about \$165 per year.

Mr. Rome stated that the Water/Sewer Budget shows a significant reduction this year due to the fact that the Borough paid off a lot of the major sewer bonds last year. The rate increases last helped with balancing the Water/Sewer Budget.

Increases for SCUMA were less this year \$10,000; last year it was considerably more.

The major increase on the Water/Sewer side was the Capital Improvements. Part of doing the rate increase last year allowed the Borough the flexibility to putting more money into the Capital Improvements which will enable the Borough to do repairs without bonding. At least \$100,000 per year will help to make improvements and repairs to the infrastructure.

Mr. Kulsar asked Mr. Rome to over the interlocal agreements was a decrease; part of that decrease was the net of Hardyston picking up less of a percentage of the Finance Contract which is a difference of about \$10,000. The net amount of the \$2,000 had to do with the new construction agreement.

Mr. Kulsar stated that, as previously discussed, the construction increase and the finance figures would washout.

Mr. Rome stated that the construction agreement went down more than that; but historically the amount that was transferred in this year we kept a little bit more in that line because historically in the last couple of years we have been transferring about \$80,000 to pay for in excess of what the Borough received in receipts. If the receipts start coming in better this year, we will have more money at the end of the year that Borough can actually put back in surplus. However, as of right now, even where they

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reduced it Mr. Rome had to transfer money last year to pay Hardyston because the receipts were down. By leaving a little bit more in there hopefully this year we will not have to transfer any money into the account.

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to commend on the 2011 Municipal Budget. Seconded by Mr. Giordano. All were in favor.

Karen Folkerts 113 Main Street asked how much of the surplus last year did the Borough spend.

Mr. Rome stated that the \$175,000 was the amount that the Borough anticipated using; this year we could only use \$48,000. If the Borough anticipated receiving \$48,000 in surplus through excess revenues that come in such as anticipating \$10,000 worth of license fees and actually receives \$15,000, \$5,000 of that amount goes into surplus. Miscellaneous revenues, miscellaneous reimbursements all go into the surplus fund. Any additional amounts received over the anticipated collection rate goes into surplus. Last year out of the \$175,000 of surplus we used, in hope that we would regenerate, the Borough only generated about \$1,300.

Ms. Folkerts asked how the Borough can now manage with \$48,000. Mr. Rome stated that some of the things have picked up; part of that \$48,000 will be put back in because of the deferred charges that we have out. Deferred charges are money that you borrow from yourself and basically use out of your surplus.

Ms. Folkerts also asked about receipts from delinquent taxes. Mr. Rome explained that delinquent taxes are taxes that are outstanding from the 2010 taxes. Mr. Rome stated that the Borough will receive all of the delinquent taxes through the annual tax sale in October. Also the Borough is receiving 18% interest on all delinquent taxes. Mr. Rome informed Ms. Folkerts that at least three or four sets of delinquent notices are sent out periodically before the tax sale.

Ms. Folkerts thanked the Council for their work on the budget.

Mr. Alfonzo Caliendo 81 Main Street asked what is included in the other expenses portion of the budget.

Mr. Rome explained that other expenses encompass all of the departments' expenses other than salaries and wages. For example, the Road Department would encompass vehicle repairs, salt, road patch and overlay. Other expenses for the office would be for office supplies and postage. Mr. Rome stated if anyone wanted a more detailed explanation of the other expenses, he would be glad to print out a budget line showing all items.

Mr. Caliendo stated that the taxes went up really high last year; we should have a huge surplus. Two of his best friends are moving out of Franklin to Arizona because they cannot afford to live here anymore. Mr. Caliendo feels the Council should work hard to decrease our taxes.

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

Resolution to Rescind the Resolution Amending 2011 Budget

Mr. Snyder made a motion to rescind the Amended 2011 Budget that was introduced at the April 12, 2011 Mayor and Council Meeting, seconded by Ms. Miller.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Reintroduce Resolution Amending 2011 Budget

Mr. Snyder made a motion is to reintroduce a resolution entitled "Borough of Franklin Amendment to 2011 Budget", seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

PUBLIC HEARING TO BE HELD ON MAY 10, 2011

Mayor Crowley asked Mr. Rome if the final adoption of the budget will be on May 10, 2011.

Mr. Rome stated that he has spoken with the Borough's budget examiner who has indicated that the budget has already been given their seal of approval. There are a few other housekeeping items Mr. Rome send to them for documentation; but it sounds like the budget should be good to go.

Mayor Crowley requested a five minute recess at 7:30 pm.

After a five minute recess, the Governing Body returned to their seats at 7:36 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

Mayor Crowley stated, for the record, that Ms. Miller had to leave at 7:40 pm.

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.

Mr. Snyder made a motion to accept the consent agenda. Seconded by Mr. Zschack.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Sussex County Board of Taxation Dated March 15, 2011 RE: Resolution of Tax Ratio.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department report for March 2011.
2. Police Department Report for March 2011.
3. Zoning Officer Report for March 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 26, 2011.

Mr. Giordano stated that he has spoken to Service Electric about the possibility of giving the First Aid Squad free TV; he is waiting on an answer. Mr. Giordano realizes that the Borough has incurred the bill; however the matter has been previously discussed and does not agree with the charges.

Mr. Kulsar stated he would like to make a comment after the vote.

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Mayor Crowley asked Mr. Kulsar if he would make his comments before the vote.

Mr. Kulsar noted that the Zoning Officer Report has been added to the agenda. The report indicates that the Zoning Office only had about eleven transactions that generated about \$300. Mr. Kulsar stated he would assume that the Zoning Officer does a little more than that and requested an enforcement report to show more detailed information.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

COMMITTEE REPORTS

Ms. Gardell reported that the Board of Public Works meets this Thursday and 7 PM. Agenda items include recycling and the solid waste program.

Mr. Giordano reported that a Recreation Meeting is scheduled for tomorrow at 7PM at the Municipal Building.

Mr. Giordano stated he attended a Joint Economic Development Committee meeting with Hardyston. The possibility of building some walking trails together and about the projects going on in various towns was discussed.

Mr. Giordano also attended a Crime Watch Committee meeting. Unfortunately, Steve Sluka has resigned as the chairman. The committee has nominated Dennis Harrington and Anthony Marino to be co-chairman. The possibility of a website was discussed. They also have encouraged people to go on the face book page for the Franklin Police for updates on the police activities. An email, franklincrimewatch@gmail.com, has been set up for people who are interested in corresponding or perhaps taking part with the crime watch. Hopefully, with the chief retiring, this worthwhile program will continue.

Mr. Snyder stated that Ms. Miller has left the meeting; he has no personnel matters to be discussed at this time.

Mr. Zschack reported that, at the last Planning Board Meeting, there was an application for a revised site plan deemed complete for the Nardella Property on Route 23.

Mr. Zschack also reported that the Planning Board looked at more redevelopment studies that are not complete. Once all of the redevelopment studies are complete, the Planning Board will then pass them over to the Governing Body for review.

Mr. Kulsar reported that Recreation sponsored the Spring Fling on April 16th at the Fire House. It was well attended and everyone had a good time.

Mr. Kulsar informed the Council that, due to the recent resignation of Recreation three members within the last two months, Recreation is in need of approximately two to three new members. If anyone is interested, please contact Mr. Kilduff.

Mr. Kulsar also reported that the Boy Scout Eagle Project started this past weekend.

Mr. Zschack stated that when he did his report he neglected to mention that, when the Planning Board was discussing the Redevelopment Study, there were some properties that the Board would like to see added on to the Redevelopment Study. It is possible that when the study is brought back to the Mayor and Council there may be some key properties added onto the original plan.

Ms. Gardell asked Mr. Zschack what properties were being considered. Mr. Zschack stated there was some discussion on Rutherford Avenue, the mine property coming out to Route 23. Mayor Crowley this property would square off the area where the lumber

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yard is. Mr. Zschack also said there was a possibility of the adding some of the larger lots behind the property on Route 23 from High Street to Mabie Street.

Mr. Kilduff stated that there are some additional sites to discuss; so there may be some other changes. There may be a recommendation to take some of the original areas out of the study. This would not require Council action as much as the decision to add properties to the study.

Mr. Zschack stated that all five sites would come to the Council for an approval.

Mayor Crowley stated that there would be notice to the public; the public will have the opportunity to discuss the Redevelopment Study.

Mr. Kilduff noted that the Redevelopment Study is discussed in public session at the regularly scheduled Planning Board Meeting; the Board has not had a lot attendance from the public.

Mr. Kilduff reported the Road Department has begun installations of the new trash receptacles on Main Street. There are also some park benches being installed by the Memorial Park; which we hope to have in place for Memorial Day activities.

The Borough needs to prepare a FEMA Flood Plain Map Ordinance which is being handled by the Borough Engineer. The ordinance should be in front of the Council within a month or so.

Mr. Kilduff informed the Council that the bids for the new Solid Waste Contract have been advertised; the bid opening is scheduled for June 15, 2011.

Mr. Kilduff also reported that the following matters are on tonight's agenda.

- Revised new Developer's Agreement for Estelle Manor, which is also known as Sterling Ridge; this agreement is a result of meetings that were attended by the Borough Attorney, Borough Engineer and Mr. Kilduff along with the developers.
- Today a notice was received that the Governor's Council on Alcoholism and Drug Abuse had awarded the Hardyston/Franklin Drug Alliance a grant of \$12,474 for 2011. The grant money funds a variety of different programs designed to promote drug and alcohol abuse awareness for both students and seniors. Mr. Kilduff reviewed the scheduled programs.
- The public Hearing on the Borough Budget will be May 10, 2011, if everything goes smoothly, the Council should be able to adopt the budget at that meeting.
- Under personnel matters, there is a recommendation to hire a violations clerk to replace Lindsay Miller, who left our employ. The position is 20 hours per week, with no benefits.
- The Board of Public Works Chairman, Steve Sluka, has tendered his resignation last week for health reasons. Mr. Sluka, also a former Councilman has been instrumental in addressing issues that are in front of the Board of Public Works now; including problems like inflow and infiltration, EDU's and assisting the Borough with their bid specs. Mr. Kilduff stated that the Borough is indebted to Mr. Sluka for his service and he will be missed.
- Resolution authorizing the commencement of the hiring process for a new patrolman is also on the agenda; as of May 1st the Borough will be down one person in the police force.
- Chief Kistle is retiring on May 1st. An officer in charge shall be designated until such time a new appointment is made. The Borough may appoint a new Chief or acting Chief or may make no appointment. The appointment is made by the Mayor with the advice and consent of the Council.
- The Registrar has now returned, therefore there is a Resolution on the agenda rescinding a portion of the previous resolution appointing a temporary acting registrar.

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- A Resolution to Appropriate the Capital Improvement Funds for the Master Street road improvement project is also on the agenda. Essentially, the Borough is looking at a Capital Bond for \$200,000, which 75% of that Bond is reimbursable from the DOT. \$50,000 represents the Borough's contribution to the project.
- Mr. Kilduff has sent information and the survey results to the County on the Solar Power Purchase Program. Through cooperative means, the County is looking at any Borough facilities that are satisfactory for solar power. This would enable the Borough to enter into a power purchase agreement that would put the solar powers on the roofs of those buildings at no cost to the Borough.
- Mr. Kilduff recently sent comments to the NJDEP and spoke with the Assistant Commissioner of the NJDEP regarding proposed changes to the Franklin Borough Sewer Service Area. The changes that the DEP is proposing would have a significant and dramatic effect on the Borough's ability to develop in the future. The Borough needs to be vigilant about this important issue.
- Today Mr. Kilduff learned that the New Jersey Planning Officials have selected Franklin Senior Housing as a recipient for the Achievement in Planning for their affordable housing project on Mill Street. This award is to be presented on May 5th. Mr. Kilduff stated he would like to give some credit to Robin Hough, the secretary for the Land Use Department who did most of the work in preparing the application; which subsequently resulted in the NJPO selecting Franklin Senior Housing project for this prestigious reward.
- Tomorrow is the School Board Elections. If for any reason the budget defeated the budget comes to the Mayor and Council to make appropriate cuts to the School Board's Budget. The state has a very, very tight time line for the budget review, therefore Mr. Kilduff asked the Council to pencil in Thursday, May 5th as a possible meeting date if needed. Then on May 10th the Council would have to take action on the School Board Budget in addition to the Borough Budget approval.
- A Work Zone Safety meeting with employees is scheduled for May 6th.
- Mr. Kilduff recently received a call from the County regarding the Paris Project which has to do with records retention, advising him that there is some grant monies available to install shelving on the third floor for record storage. This project will certainly be helpful for the Borough.

Ms. Gardell asked if there was any word from the County regarding Church Street.

Mr. Kilduff reported that Ms. Rojas came to the Borough Hall a couple of times regarding the situation. Mr. Kilduff asked her to follow-up with a list of all the property with the problem areas that Ms. Rojas had identified at the Council Meeting. Unfortunately, Ms. Rojas has not come back with the list. Mr. Kilduff approached the County and asked if they could do something about that sidewalk on Church Street where Ms. Rojas took the spill. The County advised Mr. Kilduff that the sidewalks are the responsibility of the property owner. However, the County offered to send out their crew to look at cleaning up the grit that may have contributed to that accident. Mr. Kilduff stated that one individual down the street that wanted to repair his sidewalks; Mr. Kilduff referred him to the County.

Because the street is so narrow, when people are attending services at the church, they typically park on the sidewalk, which is problematic as well.

Ms. Gardell stated that the repaving has brought the road pavement up to curb level as well.

Mr. Snyder asked who selected the projects for Drug Alliance Grant. Mayor Crowley stated that there is a committee that has selected several projects that were geared towards anti-drug themes.

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Mr. Snyder stated that at one time the FOP sponsored a fish contest for children; some of the funding came from the Drug Alliance Grant.

Mayor Crowley will ask the Drug Alliance Committee to look into sponsoring a fish contest for children in the future.

Mr. Kilduff gave the Council a synopsis of the nine different programs that the Drug Alliance will be used for. Tune out Drugs and Alcohol, which is a series of dances throughout the school year to discourage underage drinking. The Dare Program is a 17 week prevention program. Project Graduation has four 30 minute workshops for drug and alcohol awareness. Be wise about your medication your medication is a program for seniors. There is a Hardyston and Franklin Red Ribbon week that occurs in both the schools; the purpose to promote drug awareness. The healthy choice and wellness series is a six program series. Both Hardyston and Franklin will be doing concerts in their respective parks.

Mayor Crowley reported that Patrolman Gregory Cugliari will be honored by the Knights of Columbus for outstanding performance of his job. Officer Seamus Geddis is being honored on a State level for his highest amount DUI's; he is the highest arresting office of DUI's in the County and one of the highest in the State. Patrolman Geddis will be honored for this achievement in Trenton by the Attorney General's Office.

Mayor Crowley also reported that Sunday is Miners Day at the Mine Museum. The Franklin Band will be in attendance as well as some invited guests. Some of the miners will talk about the old times.

This week is the Girl Scout Garage Sale on Saturday, rain date on Sunday; so expect a lot of traffic in town. Also the Mineral Show is at the Franklin Elementary School both Saturday and Sunday. Sunday is the Train Show at the Littell Center.

Mayor Crowley reminded the Council that the Financial Reports need to be submitted to the Clerk's office.

Mayor Crowley also reminded everyone that the School Board Elections are scheduled tomorrow from 2 pm to 9 pm at the usual polling places.

Mayor Crowley congratulated Chief Joe Kistle who is retiring the end of this week from his position as Chief of Police and wished him well in his retirement.

Mayor Crowley reported that the Franklin Fire Department was having their Muster on Saturday in the Fire Department parking lot.

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 Mr. Snyder. All were in favor.

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

OLD BUSINESS

None

NEW BUSINESS

Approval of Meeting Minutes

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Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on April 12, 2011. (Absent: None) Seconded by Mr. Zschack.

Ms. Gardell stated that they were the most thorough and complete that she has seen in a long time.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

2011 Tax Identification Statement

Mr. Snyder made a motion to approve the 2011 Tax Identification Statement which certifies a submission of expenditures for taxes paid pursuant to PL 2007, chapter 311 in 2010 in the amount of \$5052.90. Seconded by Ms. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Resignation of BPW Member Steve Sluka

Mr. Snyder made a motion to accept the resignation of BPW member Steve Sluka. Seconded by Ms. Gardell.

All were in favor

Mayor Crowley stated that Mr. Sluka will be sorely missed; he did a very good job on the BPW for the short time he was active.

Approval of Waste Management Current Contract Extension

Mr. Snyder made a motion to approve the extension of the current Waste Management contract to June 30th, 2011 at the current terms and conditions. Seconded by Ms. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Resolution Rescinding Temporary Acting Registrar

Mr. Snyder made a motion to adopt a resolution rescinding the appointment of a temporary Acting Registrar. Seconded by Mr. Zschack.

Mayor Crowley stated that when both the Registrar and the Clerk were out the Council appointed Rachel Heath to both positions. The Registrar is now back on duty, therefore the position of Acting Registrar needs to be rescinded.

Upon roll call vote:

Ayes: Gardell, Kulsar, Snyder, Zschack

Nays: Giordano Absent: Miller Abstentions: None

Resolution Authorizing Interviews for Patrolman

Mr. Snyder made a motion to authorize the Borough Administrator to begin the interview process for the position of Police Patrolman. Seconded by Mr. Zschack.

Mr. Kilduff stated that the Borough Attorney prepared a new Resolution that

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basically follows the Borough Code for employment process. It acknowledges that the Chief Financial Officer finds that there are adequate funds to compensate a new police officer and provides for the Borough to proceed with the hiring process.

Mayor Crowley stated that the position was properly advertised.

Mr. Giordano asked if the person in charge of the Police Department will be included in the interview process.

Mark Zschack asked Mr. Giordano if he would rather see an officer in charge to be part of this process. Mr. Giordano stated he would like to see the person who is ultimately run, or be in charge of the department be involved in the hiring process.

Mr. Kulsar stated that there is a Borough Ordinance that outlines the interview process.

Mayor Crowley stated that the interviewing will be done by the police chief or senior officer and the administrator. They then make a recommendation; at that level the Council can decide whether to accept that recommendation or, if they desire, they can request more interviews.

Mayor Crowley although the Resolution stated that the position must be advertised, the position has been properly advertised.

The Borough Attorney stated that he was not aware that the position had been advertised and clarified that the new Resolution tracks the language in the Ordinance. The fact that the advertising of the position has been done, satisfies that part of the Resolution.

Ms. Gardell asked it would be more complete to have the Resolution state that this advertising had taken place.

The Borough Attorney said it has been stated on the record. However, the motion could be amended to state that the position has indeed been advertised as required.

Mr. Zschack asked if the Borough is covered with the Resolution as introduced. The Borough Attorney stated that it is not required to be in the Resolution.

Mr. Snyder stated that the position is included in the 2011 Budget.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Appointment of Part Time Violations Clerk

Mr. Zschack made a motion to appoint Maggie Rodriguez to the position of part time Violations Clerk at \$12.00 per hour not to exceed 20 hours per week, subject to a background check. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Approval of Developer's Agreement

Mr. Zschack made a motion to approve the updated Developer's Agreement for G.S. Realty-Sterling Ridge (formerly Estelle Manor) as recommended by John Ursin, Borough Attorney. Seconded by Mr. Snyder.

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Upon roll call vote:

Ayes: Gardell, Kulsar, Snyder, Zschack

Nays: Giordano Absent: Miller Abstentions: None

Resolution to Amend the Capital Budget

Mr. Zschack made a motion to approve a Resolution to Amend the Capital Budget. Seconded by Mr. Giordano.

Mr. Rome explained that this Resolution allows the Borough to put the funding in place for the Ordinance for Master Street. Every improvement has to be part of the Capital Budget, therefore the Capital Budget needs to be amended for the Master Street project.

Mr. Zschack stated that, although he realizes that 75% of this project is funded by the state, he still does not think the Borough should be paying anything for redevelopment of Master Street.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder,

Nays: Zschack Absent: Miller Abstentions: None

Ordinance 6-2011 Bond Ordinance Appropriating \$200,000, and Authorizing the Issuance of \$190,000 in Bond or Notes of the Borough, for the Purpose of various Improvements to Master Street.

Ms. Gardell made a motion to approve Ordinance 6-2011 Appropriating \$200,000, and Authorizing the Issuance of \$190,000 in Bond or Notes of the Borough, for the Purpose of various Improvements to Master Street. Seconded by Ms. Gardell.

Mayor Crowley stated that this project had been approved several years ago and he is not exactly why or what the appropriate reason for selecting Master Street. It is a \$200,000 Bond, 75% of the Bond will be repaid by the state for the construction on Master Street.

Mayor Crowley stated that each year the Borough applies to the state for funding for road development; not utilizing that money will be deleterious in the future on whether the state gives us money. One of the reasons we have not gotten money for a long time was the big project on Scott Road that dragged on forever. The Borough did not use some money so the state basically did not give the Borough any more funding because the Scott Road project was not completed. If the Council decides not to appropriate the funds for Master Street, it could affect our future state funding for road improvements.

Ms. Gardell asked who will be overseeing the project. Mr. Kilduff informed her that the Borough Engineers, Harold Pellow, will make sure the project is done according to the specification of the project.

Mr. Kilduff informed Mr. Giordano that he will call the engineer tomorrow to proceed with the project as quickly as possible.

Mr. Giordano stated that he had the opportunity to drive up Master Street for the first time and in his opinion it is a shame that Master Street was chosen over some other streets in the town that could use it more.

Mayor Crowley stated that the Council agrees and does not understand why this project was selected.

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Mr. Giordano stated that as much as he does not want to see Master Street paved and would rather see some other roads improved, he does realize the importance of accepting the money.

Mr. Kilduff stated that this is the dilemma the Borough faces, the DOT provides local aide to municipalities for various street and road improvement projects. However the grants never cover the total cost of the projects; the municipality is expected to put up some of the money. If the Borough does not accept the grant money now, the likelihood of getting future grant money is nil.

Mr. Kilduff informed Ms. Gardell that once this project begins, the Borough will look at a host of other projects that fit within the scope.

Mayor Crowley informed the Council that our current engineer was not involved in choosing this project.

Mr. Rome explained the process and informed the Council that the Borough will not have to physically borrow any of this money. Mr. Rome also stated that, Mr. Pellow's firm is very good with these projects; they usually come in under budget.

Mr. Rome informed Ms. Gardell that the applications for DOT funded projects are done in the fall. The Borough Engineer takes care of the applications.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder,

Nays: Zschack Absent: Miller Abstentions: None

PUBLIC HEARING TO BE HELD ON MAY 10, 2011.

Resolution Releasing Cash Performance Guarantee

Mr. Zschack made a motion to adopt a Resolution Releasing Cash Performance Guarantees for MD3-LLC Application, PB-04-04-1 in the amount of \$10,094.40 as recommended by the Borough Engineer. Seconded by Mr. Giordano.

Mr. Kilduff explained that this is the site of the old Morley Shirt Company. This bond has been in place for a long time because parking improvements needed to be done; which is now finally completed.

Ms. Gardell stated, since lot and block numbers are only used on resolutions, she would like to see the physical street address included. Therefore, Ms. Gardell requested that the Resolution be amended to have the street address for the property included.

Mayor Crowley informed Ms. Gardell that the street address was not available at this time.

Mr. Zschack chooses not to amend his motion; however he agrees that the street address should be included on future Resolutions.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: Gardell Absent: Miller Abstentions: None

MISCELLANEOUS COMMENTS

Mayor Crowley stated that there is going to be a lot of traffic in Franklin this weekend; and there will be a lot of garbage on the streets after the garage sales. Ms. Gardell reminded everyone to vote tomorrow.

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ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:33 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Rachel Heath, Acting Clerk