

**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
JUNE 14, 2011**

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

Mayor Crowley led the assembly in the flag salute. Mayor Crowley reminded everyone that today is Flag Day.

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."

CONSENT AGENDA

Mayor Crowley requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

Mr. Zschack made a motion to approve the consent agenda. Seconded by Mr. Giordano.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Township of Hardyston Resolution 30-11 Support of A-196.
2. Township of Hardyston Resolution 31-11 Opposing A-2095 and S-818.
3. Township of Hardyston Resolution 35-11 Seeking Intervention to Increase Safety and Public Awareness on State Route 23.
4. Letter from Mayor Crowley to NJDEP Commissioner Robert Martin dated 5/20/2011 RE: 20 Route 23.
5. Letter from Jim Kilduff to Robert Shaughnessy, Jr. Office of Real Property Acquisition and Disposition dated 5/24/11 RE: Franklin Armory.
6. Letter from John Eskilson dated 5/2/11 RE: NJ State Fair / Sussex Farm and Horse Show.
7. Township of Washington Resolution R2011-88, For Fair Distribution of State Aid for Education.
8. Lafayette Township Resolution 2011-21, Opposing S1351
9. Township of Fredon Resolution 2011-51 Urging Sussex County Legislators to Draft a Bill to Amend the Open Public Records Act.
10. Letter from Atty. Ursin to Mr. Varano dated 5/26/11 RE: PO Carl Douma

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for May 2011.
2. Court Report for April 2011.
3. Tax Department Report for May 2011.
4. Township of Hardyston Fuel Consumption Report for 2/2011, 3/2011, 4/2011 & 5/2011.
5. Zoning Officer Report for May 2011.
6. Police Department Report for May 2011

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Resolution Authorizing 2011-2012 Liquor License Renewals

Six Gee Corp.	1906-33-014-005
Franklin 897, LLC	1906-32-013-007
Koz's Korner Inc.	1906-33-011-005
Wok N Sushi Inc.	1906-33-010-006
Franklin Silver Ducat	1906-33-009-012
Assembly Corporation	1906-33-008-005
F H Restaurants, LLC	1906-33-005-007
Sullivan's Inn	1906-33-004-006
Williams Family Deli LLC	1906-44-003-009

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Great A&P Tea Co.	1906-44-006-003
WC Franklin LLC	1906-44-007-006
Franklin Fire Dept. Inc.	1906-31-016-001
Sgt. Francis M. Glynn	1906-31-015-001
Walkkill Golf Club	1906-31-017-001

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 14, 2011.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

COMMITTEE REPORTS

Ms. Gardell reported the Board of Public Works held a meeting on Thursday with Committee Member to discuss EDU's and infiltration into the sewer system. The Rent Leveling Board has a meeting scheduled for Thursday at 6 PM.

Mr. Giordano reported Franklin Nite was held on Saturday June 4th. It was successful and everyone had a good time. Everyone on the Recreation Committee did a great job.

Mr. Snyder had no report; however he requested an Executive Session to discuss Personnel.

Mr. Zschack reported the Planning Board has a special meeting tomorrow night at 7:30 PM to hear the application for Group V Development, also known as the Big Box on Route 23. The first testimony on the amended site plan will be heard.

Mr. Kulsar thanked everyone who came out and volunteered their help on Franklin Nite. Some of the members who had resigned from the Commission actually came and helped out.

Mr. Kulsar gave Mr. Kilduff the plans for the proposed Recreation Building.

Mr. Kulsar stated that there is a six-month cancellation notice clause in the Borough's Interlocal Contract with Hardyston for the Little Center that will be coming up on July 1st.

Mr. Kulsar would like to put the Little Center Interlocal Agreement on the next agenda for discussion. Perhaps by that time Mr. Kilduff will have a chance to review the plans for the proposed building in order to have some discussion on the matter.

ADMINISTRATOR'S REPORT

Regarding Franklin Nite, Mr. Kilduff added that many people do not recognize the efforts required to make an event like that a success; it is particularly important to recognize the efforts of the Recreation Committee. Councilman Kulsar was there all day, Mr. Giordano, Ms. Gardell, and the Mayor all were there.

The street sweeping services have now been completed.

The Master Street Road Rehabilitation Project is progressing. Mr. Kilduff spoke to the engineer today he is working on the design and hopefully the bid documents will be ready for delivery to NJDOT by the end of June.

There are limited grants available from Rutgers with a short timeline for a Cooperative Extension Fund Grant to construct a Rain Garden; the matter in on tonight's Agenda.

A short list of vehicles that could be declared surplus and could be sold off to the highest bidder has been provided by John Rome. At 5 o'clock today Mr. Kilduff received a complete list of the entire Borough owned vehicles. Mr. Kilduff passed out the list that included the mileage of all of the vehicles.

Hardyston Township has returned the three-year contract for CFO Services; they have been forwarded it to our CFO and our attorney for review. Mr. Kilduff hopes to have the contract on the agenda for approval at the next Council Meeting.

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Mr. Kilduff reported he had some good news. Several months ago, Mr. Kilduff directed that the Borough stop payment on a \$44,000 invoice for back charges. Mr. Kilduff and the CFO met with Waste Management to discuss the charges and raised some issues. SCUMA had increased their rates then a few months later they had decreased them. Apparently there was a verbal agreement between Mr. Wolak and the management who is no longer with the company. After much debate they have agreed to credit the Borough with \$10,861.02 in order to resolve issues relating to increases in the disposal rates.

FOP is continuing its grievance on behalf of Mr. Douma; the hearing has been rescheduled for June 28, 2011. Mr. Ursin has not heard from Mr. Douma's attorney. Mr. Douma is now applying for Short Term Disability Insurance dating back when he was an employee with the Borough. Since Mr. Douma has been granted disability by the Division of Pensions, the exact nature of the continuing grievance is unknown.

The interview subcommittee for Police Patrolman, Mr. Kilduff, Lt. McInerney, Sgt. Smith and Councilman Zschack has completed interviews with three candidates and the committee is in unanimous agreement on a candidate. Lt. McInerney asked that the Council hold off on the appointment until all of the backgrounds are completed. Mr. Kilduff is hopeful and optimistic that by next meeting the Committee should be able to present a recommendation for a new hire to the Council.

The Clerk has exhausted all of her sick and personnel time; that is on the Agenda as well. The Council should decide on awarding carry over vacation pay.

The Personnel Committee met and decided to sequence the proposed lay-off after the Public Works Department is reorganized. An Ordinance to reorganize the Department of Public Works is on the Agenda. This sequencing would then change the effective date because of the notice requirement for the individual who would be affected.

The Committee also intends to meet with the Water and Sewer Supervisor.

The introduction to the new Flood Management Control Ordinance is on the Agenda; when passed the Ordinance will go into effect in September.

The new Public Works Ordinance is on the Addendum. This new ordinance will fully integrate the operations of the Water, Sewer and the Road Departments into a unified entity. At the time the Ordinance is adopted, the Council may wish to consider an additional resolution to appoint a temporary acting Director of the new unified DPW and to close the existing Sewer and Water Building.

Long Term and Capital Projects; Mr. Kilduff has asked the Borough Engineer to evaluate the costs of an I & I Study and corrective measures so that it could be added into a Rural Development Grant Loan proposal. As part of the Rural Development Grant the Borough will be looking to get some funding for the rebuilding of the Route 23 South Pump Station.

Mr. Kilduff received a note from Commander Glynn of the American Legion thanking all of the Borough Employees for their efforts to make the Legion's Memorial Day Parade a great success. Mr. Kilduff in turn conveyed to Commander Glynn the Borough's gratitude for the services of our veterans and armed forces that have done so much for us.

Mayor Crowley stated that he feels Franklin Nite was an outstanding success. Mayor Crowley commended the Recreation Committee; it took a lot of time and effort. A special thanks to Tom Kulsar who had to take over when a few of the members resigned and left a lot of the work on him. Under the circumstances, everyone did a great job. Mayor Crowley received a lot of compliments on the fireworks. Again, Recreation did a great job and they are to be commended.

Mayor Crowley reported that he has been approached by several people asking why Franklin Borough no longer has the Small Fry Fishing Contest. The Fishing Contest was started many years ago by the Drug Alliance with the FPO facilitating the event. Trenton did not approve of the Drug Alliance funding be used for a fishing contest; then the FOP stepped up and did a lot of the fund raising and ran the event. The last one they had was about three years ago; some of the residents in town are saying they

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would like to have it again. The contest was stopped because of the finances; if money could be raised again everyone would like to have the contest. Hopefully all of the nets and other materials used have been saved. Possibly if some citizens want to come forward and run the fishing contest, the Mayor feels everybody would be happy to see the contest come back.

Mr. Kulsar stated that there were a couple of other issues. Franklin Day was held later in the summer the Trout are more of a cold water fish and as the pond warmed up later in July when they had Franklin Day they were not catching a lot of fish. The pond was stocked with 250 to 300 fish and they would catch about 20. Since Franklin Nite has been moved up to June, and if it were to continue to be that early it actually is a better scenario to hold the fishing contest; and they may catch more fish.

Mr. Kilduff reminded the Governing Body that the Solid Waste Contract bid opening is scheduled for tomorrow morning at 10:00 am.

Mayor Crowley stated that, if anyone is interested in attending, the bid opening is open to the public. It will take a little bit of time to get through the bids; therefore it will not be possible to identify the lowest bidder until all of the bids are thoroughly checked.

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. Giordano. All were in favor.

Joann Tatka 151 Maple Road asked if it is public knowledge as to how many Solid Waste Bids have been received. Mr. Kilduff informed her that the information could not be given until tomorrow morning when the bids are opened.

Regarding the Rain Garden Demonstration, Mrs. Tatka stated she saw an article in the Herald about it; that is really a good idea.

Mrs. Tatka asked who would be using the new four wheel drive vehicle. Mayor Crowley reported that the vehicle is not for anybody specifically. The Council will be discussing the matter further. The Borough wants to have one four wheel drive vehicle to be used in the winter months for the police to get around in extreme inclement weather. The vehicle will not be assigned to one individual, is not appropriate for daily patrols.

Mr. Ursin gave Mrs. Tatka a list of the surplus vehicles.

Mrs. Tatka asked for clarification of what Carl Douma was asking for, is it legal? Mr. Ursin stated the problem that is it not completely clear what he is asking for. His attorney's position is that after he applies for Short Term Disability through the Borough's plan; they will determine whether or not he is eligible for benefits. Once that is determined Mr. Ursin is confident that the Borough will be able to work things out.

Mr. Ursin informed Mrs. Tatka that, although Mr. Douma is on permanent disability, he is applying for the time before he went on permanent disability. He is applying for roughly July through December of last year when he was still an employee.

Mrs. Tatka stated that she is very disturbed by the JCP&L Building. Mrs. Tatka asked if the Borough knows what type of agreement was made with JCP&L and the State of New Jersey.

Mayor Crowley reported that he has done a little research on the matter. When JCP&L moved out, it was bought by the State of New Jersey with Green Acres Funds. Then the building was used by the Forestry Department plus the Regional Headquarters for the State DEP.

Mayor Crowley explained the State has a procedure for when a building is surplus. The first thing they do is ask if there is any other State agency that wants the building. They have done that, other State agencies have looked at the building and nobody wants it. Then at that point, the State can declare the building surplus and sell it or give it to a State agency. Since the building was bought by Green Acres Funds there are some strings attached. The Council is trying to talk the State into declaring the building

surplus and put it up for bid and sell it to the public. Then the building can go back to commercial enterprise.

Mrs. Tatka stated she cannot understand why a lake as big as Lake Hopatcong is, has to bring their weed cutters up to Franklin for storage. Mayor Crowley stated that this is another problem. The Lake Hopatcong Commission is funded more or less by the State; they want the State to fund the Commission for those weed harvesters. The State owns Lake Hopatcong therefore it is a matter of one State entity taking care of another State entity by letting them bring the weed harvesters to Franklin for storage. The Council does not think this is the best use for the building and also does not think that the building is maintained properly.

Obviously the Borough is upset with the whole matter; we have made that known through Senator Oroho, our Assembly people and have been in touch with the DEP. The Borough is getting good response from our Legislators, but the final outcome has yet to be decided.

Mrs. Tatka asked if there was a possibility that Ogdensburg, Franklin, Hamburg and Hardyston could get together and have a combined recreation.

Mayor Crowley informed Mrs. Tatka that the both Ogdensburg and Hamburg were invited to join in and be a part of the Littell Center Recreation programs, but they declined.

Mrs. Tatka stated that the residents of Ogdensburg got involved with the Council and they are working on making Heather's Pond a successful operation. Everything just gets dropped here.

Mayor Crowley disagreed; Franklin has a Recreation Commission that does a lot of things. A lot of money is spent to maintain the fields and all of the pond area. In the winter the schools are utilized for recreation and a lot of programs are offered at the Littell Center.

Mr. Kilduff informed Mrs. Tatka that a new website is being designed. In the interim, the current website has been updated with the agendas and minutes from our recent meetings. To find this information, you have to go under the Clerk and you will be able to open them up. This is a temporary fix while the new website design is being worked on.

Mrs. Tatka stated that she felt that Mr. Snyder had a good idea that, due to all of the rain, it was not necessary to sweep the roads. Perhaps that should be considered next year. Mrs. Tatka noticed that when the sweeper went through Wildcat Road he broke up a lot of the road; now the DPW has major patching jobs to do.

Mayor Crowley stated that this winter took a very heavy toll on all of the roads, and the sweeper brought up a lot of the broken pieces.

Ms. Gardell informed Mrs. Tatka that there are signs posted at the pond when week treatment is being conducted.

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

Mr. Snyder asked if Mr. Ursin was able to find out how the Borough could reduce the kilowatt hours of all of the Borough buildings including the Fire Department and Rescue Squad. Mr. Ursin has not given the third party provider information to Mr. Kilduff; he will make sure he has it first thing tomorrow.

Mr. Kulsar stated that at the last meeting the request for summer hours for the DPW was denied and was under the impression that it included both the Water and Road Departments. Mr. Kulsar reported that the Water Department is working summer hours.

Mr. Kilduff will follow-up on the matter. Mr. Kilduff had a meeting with Mr. VandenBroeck and Mr. Gunderman and informed them of the Council's decision, and assumes they are working the regular hours.

Mr. Ursin informed Ms. Gardell that the Borough County Tax Appeals are all over, he did tell the Council that he would them a list on the State Tax Appeals that are pending and go on throughout the year; he will get that information from the Tax Assessor.

Mr. Kilduff informed Ms. Gardell that he had the information she gave him regarding the Church Street sidewalks and will forward it to the County to see if the Borough can get to do something. Mr. Kilduff thinks their position will be that the sidewalks are not their area of domain.

Mayor Crowley stated that, in general, sidewalks are supposed to be maintained by the property owners.

Mr. Kilduff informed Ms. Gardell that he had correspondence with the County and they said they would sweep the sidewalks; apparently they did not do it.

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 May 24, 2011. Seconded by Ms. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Carry Over Days and 2011 Vacation Days

Mayor Crowley informed the Council that the Clerk has fifteen 2011 vacation days and three unused 2010 vacation days. In order for the Clerk to get her last full paycheck five of her vacations were used. In the past, the Council has allowed employees to

Mr. Kilduff explained that the Clerk has not put in a request to use her remaining days. The Clerk received her last full check which paid her through June 17th; that check included five vacation days. The Clerk is entitled to fifteen vacation days a year and there are three carryover days from last year. The policy is that those carryover days would have to be utilized by May 31st. Mr. Kilduff put the matter on the Agenda for the Council to decide. For an exempt employee the payroll check is actually in advance. The Clerk already received a check which actually included five vacation days; if the Council decided not to award those days, then those days would be owed back. All other sick and personal time has been fully utilized at this point. The next check on June 23rd would pay through July 1st. The July 7th check would include four days, the July 4th holiday and three vacation days.

Mr. Ursin informed Mr. Zschack and Mr. Giordano that the Council has the authority to pay an employee vacation days even if not requested by the individual.

Mr. Kulsar stated that, once the Clerk has exhausted all of her time, he believes she would have the option to apply for disability.

Mr. Ursin explained this matter is timely because the Borough is between pay cycles the Clerk's time runs out before the next Council Meeting; and this is the end of the Council's consideration of this issue.

Mr. Kilduff reported that the last correspondence received from the Clerk was a doctor's note stating no work until 7/5/11.

Mr. Kulsar made a motion to allow the Clerk to use her unused vacation days as discussed. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Kulsar, Snyder, Zschack

Nays: Giordano Absent: Miller Abstentions: None

Mr. Ursin will be sending a letter to the Clerk indicating the vacation time used indicating the accumulated time used time used

Police Chief Position

Mayor Crowley stated that Lt. McInerney is presently the Officer in Charge. There are drawbacks to having a Chief of Police; politically the Chief's Association in New Jersey has been very strong in getting a lot of authority in that position. If the Borough continues with the Chief's position the biggest problem the Mayor sees is that once you name a person as Chief of Police they remain in that position; you cannot remove them unless it is for criminal acts or a similar matter.

Mayor Crowley stated that there have been Police Chiefs in Franklin since the Police Department was incorporated. All of the other police departments in Sussex County do have a Chief, even in departments much smaller than Franklin's.

Mayor Crowley asked if the Council wishes to fill the position of Chief of Police. If so, what the time frame would be and also who the Council would want to extend the position to. Technically speaking the Borough could go outside of the Department to advertise for a Chief of Police; the Chiefs in Franklin have always come up through the ranks.

Mayor Crowley's own personal feeling is that the Borough should rename someone as Chief. Also the Mayor feels the Council should try to keep the appointment in house and name someone from the Franklin Police Department.

Mr. Zschack feels the issue to be addressed by the Personnel Committee.

Mayor Crowley informed Mr. Kulsar that there was an interview process when Chief Kistle was appointed. Mayor Crowley checked the Borough Ordinance. The Ordinance outlines the duties and responsibilities of the Chief; however it does not have the procedure for appointing a new Chief.

Mr. Kilduff explained that he had received some advise a while ago from Mr. Vex, Labor Attorney for Mr. Ursin's firm. Essentially, he said it is up to the Council to decide how they wish to fill the position or if they wish to fill the position; they can structure that anyway they want.

Mr. Kulsar voiced his concern regarding the litigation regarding the last Chief's appointment; he does not want to see anything like that happen again.

Mayor Crowley explained that the litigation was the result of some remarks that were made to the public that the Chief was appointed because of his age.

Mr. Giordano stated he is in favor of keeping the Chief's position.

Mr. Snyder agrees that the Personnel Committee should review the process.

Mayor Crowley stated that the consensus of the Council is that the Personnel Committee should take the matter under advisement and advise the Council of the best way to make the appointment.

Merger of Road and Water Departments

Mr. Snyder stated that at this point his only concern with the merger is who would be in charge of the operation. Mr. Snyder believes there are some questions that need to be followed up on in regards to that individual; he thinks the Personnel Committee should meet again and speak with the individual again.

Mr. Ursin stated if the Council were to merge the Departments in a more unified way by passing the Ordinance that is on the Addendum; he would recommend that the Council consider appointing someone temporarily to that position. Then you would consider all of the needs of that Department including the certifications that are required, the future planning and decide whether to appoint someone to be DPW Supervisor from within or whether the Council wants to consider other options.

If the Council decides to introduce this Ordinance tonight, and pass it at second reading at the next meeting Mr. Ursin encouraged the Council to make a temporary appointment just for the purposes of beginning to do the consolidation and then the Council can

consider what is best, what is most efficient, what meets all of the qualifications and give yourselves some time to make those determinations.

County Wide Waste Water Management Plan

Mr. Kilduff reported that he sent our Borough Engineer to a meeting at the County to discuss the DEP's plans for sewer service area; this has been an ongoing discussion and DEP is looking at cutting the Borough's sewer service area dramatically.

Mr. Eskilson, the County Administrator advised the people at the meeting that it looks like we are reaching the end of the road with DEP and there is very little movement from them. It appears that they want to proceed with their plan to drastically reduce our sewer service area. However, by way of an olive branch they are offering a grant, for the purpose of studying these sewer service areas to determine if those areas have threatened or endangered species habitat there or if they don't have such habitat if it could be a potential habitat for threatened or endangered species. Presumably if you can show the DEP that a particular parcel does not have the habitat and could not become habitat to threatened or endangered species then it could be put back into sewer service area. The amount of money that the DEP is offering is about \$65,000 which would probably only cover one parcel.

Mr. Eskilson will be pressing the DEP for more money but it seems like our only option at this point is to at least try to get some of this grant money so that the Borough can begin the process of looking at some of these lands.

The DEP insists that they are following the regulations and the rules and this is what it says; our only avenue at this point is to pursue the study for threatened and endangered species and see if the Borough can get potentially some of them taken off of the list. Mr. Kilduff's recollection is that when the DEP is through with this process, about 56% of Franklin Borough will be taken out of the sewer service area. For future development of any large parcels the Borough has, it would all but make it impossible to develop those lands.

Mr. Kilduff informed Ms. Gardell that technically this would not cancel any approved projects but there is a long list of approvals that you have to demonstrate to the DEP in order to actually go forward with the project.

Mr. Ursin stated that the DEP has been regular is drawing the line between approved projects with TWA approval and approved projects that have not moved that far.

Mayor Crowley stated if a developer came in and really wanted a parcel, it would behoove them to put money in and do that but at this point, since all of these big developments are all stuck and not going anywhere he doubts if anyone is going to put any money out.

Mr. Kilduff stated that the Group V project which is pending now was one of those parcels that the developers had to spend a considerable amount of time and money getting studies done to show the DEP that there was not suitable habitat for threatened and endangered species.

Mr. Snyder feels the Borough should continue to show our displeasures, as we have been doing, as long as possible and allow the Legislators to perhaps draw it out and do something. Mr. Kilduff thinks it would have to be ultimately fixed by legislation.

Mr. Snyder stated that the Borough has lost out on two major projects before the recession hit.

Introduction Ordinance #7-2011 To Replace Chapter 128 – Flood Damage Prevention

Mr. Zschack made a motion to introduce Ordinance #7-2011, entitled "AN ORDINANCE TO REPLACE CHAPTER 128 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING FLOOD DAMAGE PREVENTION". Seconded by Mr. Snyder.

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Ms. Gardell explained that this is a FEMA has updated their flood hazard areas and flood mapping County wide. This is their boiler plate Ordinance reflecting that change in the mapping. Changes in the flood hazard areas have been expanded along the Susquehanna as well as other areas.

Mr. Kilduff stated that the Ordinance has been sent to the DEP for review and they actually had no comments.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

PUBLIC HEARING TO BE HELD ON JUNE 28, 2011

Introduction Ordinance #8-2011 Department of Public Works

Mr. Zschack made a motion to introduce Ordinance #8-2011 entitled, "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY REPLACING SECTIONS 5-42 THROUGH 5-46 OF CODE OF THE BOROUGH OF FRANKLIN REGARDING THE DEPARTMENT OF PUBLIC WORKS".

Mr. Ursin recommended that Mr. Zschack make two changes upon introduction. The proper title should be Public Works Manager; he carried over the Principal Public Works Manager. In 5-43 Mr. Ursin is adding, just for clarification, that the Public Works Manager reports directly to the Administrator.

Mr. Zschack amended his motion to include the two changes. Seconded by Ms. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

PUBLIC HEARING TO BE HELD ON JUNE 28, 2011

Rain Garden Demonstration Project

Mr. Kilduff referred the Council to correspondence from Rutgers Cooperative Extension Water Resources Program (WRP) on a rain garden. Mr. Kilduff met with the Senior Project manager at the Franklin Pond and discussed three projects in two different locations. For the benefit of the public, Mr. Kilduff explained that a rain garden is essentially a garden designed to catch rain water runoff from roof surfaces so that the water does not run off your property and create erosion problems.

Mr. Kilduff reported that two different locations were looked at; one being in the area of the Senior Center and the other being near the existing concessions stand which was identified as a wet spot.

The basic grant is to supply the plantings and the technical expertise for doing one of these rain gardens; the Borough would have to supply our backhoe to do the initial digging and possibly some of the labor. Depending on the project, in some instances the Borough may have to run some piping.

Mr. Kilduff explained the process installing a rain garden for each of the locations. These gardens could be called Demonstration Rain Gardens, upon completion there would be a sign to explain to the public what the purpose and function of the rain garden is. The gardens are intended to be fairly low maintenance; there is mulch that has to be added periodically. The first year or so it might take more watering to get the plants established.

Mr. Kilduff informed Mr. Snyder that four or five sites have been selected in the County.

Mr. Ursin reported that Andover Township has actually been requiring as part of land use approvals for quite a while. If the Council wants to look at them, he will provide the contact information.

Ms. Gardell expressed her concerns regarding the maintenance of the rain garden; she does not want to see another eyesore.

Mr. Kilduff informed Ms. Gardell that Mike Gunderman is aware of the project and has visited the sites with him.

Mr. Giordano made a motion to approve option #2 – 800 sq. foot rain garden adjacent to the Senior Center/Police Station capturing roof top runoff from the entire building. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Mr. Kilduff stated that possibly this project would be of interest to our scouting groups in town to participate in the construction of the rain garden.

Purchase of 4-Wheel Drive Police Vehicle

Mr. Zschack made a motion to approve the purchase of a 2009 Jeep Liberty 4 Wheel Drive Vehicle for the Police Department in the amount of \$15,000. The Borough will receive \$1,500 for the trade in of the 2002 Ford Expedition. Seconded by Mr. Snyder.

Mayor Crowley background information; a discussion was held regarding the need for a four wheel drive vehicle and Mr. Rome has been putting aside \$15,000 for two years in order to have \$30,000 for a new vehicle. In the meantime, Lt. McInerney has spoken to the Ford Company and found this used Jeep Liberty. The vehicle is in good shape and has been checked out by the Borough mechanic. The Lt. also negotiated a trade-in for the 2002 Ford Expedition that is in bad shape. The vehicle would be not be utilized as a primary patrol vehicle, it will be used if another vehicle is needed especially if we have another hard winter like last year.

Mayor Crowley informed Ms. Gardell that there will not be any extra expenses. John Rome will take the light bar, radio mount and other pieces from other cars.

Mr. Kilduff informed Mr. Snyder that John Rome test drove the vehicle which has 18,638 miles on it with a certified warrantee for six years or 80,000 miles.

All the paperwork is for the purchase upon approval of the Borough Council.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Borough of Franklin Surplus Vehicles

Mr. Kilduff explained that the attached list of five vehicles that potentially could be declared surplus by the Council if they choose to do so. The first one is a 1985 International Dump Truck that is 26 years.

The second item is the 1985 Case Backhoe 580-E. Since these are very expensive and very useful vehicles, Mr. Kilduff spoke to John Rome about repairing the vehicle. The kingpins in the front need to be replaced and there is a shuttle transmission that is leaking; John Rome will research the cost for repairs. If, for a reasonable amount of money this vehicle can be put back on the road, it will give the Borough a backup vehicle and something that can be utilized in the winter time for snow removal.

The third item is the 2002 Ford Crown Victoria which needs a power steering box and front end work. John Rome is recommending this vehicle be declared a surplus vehicle.

The fourth vehicle is the 2002 Ford Expedition is the vehicle the Borough would be trading in for the new Jeep.

The fifth vehicle is a 2006 Ford Crown Victoria which has a bad transmission. The mechanic, John Rome has been using this vehicle for parts; so Mr. Kilduff would like to

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keep it on hand to continue to use as parts for the two Crown Victorias that are being used. At the point where it is not longer of value the Borough could declare it salvage.

Out of the list of the five vehicles Mr. Kilduff is recommending that the Council make a motion to declare two of the vehicles for surplus.

The other list is a more extensive list that have all of the Borough's inventory of vehicles including the mileage; it does not include the five vehicles on the surplus list.

Mr. Kulsar stated that he does not have a problem keeping the backhoe if we are going to fix it, but is has already been sitting down there for a long period of time without anything being done.

Mayor Crowley informed Mr. Giordano that the other vehicles outside the Borough Garage are impounded vehicles that do not have clear titles. The Police Department is working on getting clear titles to these vehicles.

Mr. Zschack made a motion to declare the 1985 International Dump Truck and the 2002 Ford Crown Victoria. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Mr. Kilduff will contact a Government Auction Agency that the Borough can utilize to help us get the best price for the vehicles.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack made a motion to adjourn into closed executive session to discuss personnel matters. Motion seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:02 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Kulsar reported that at the last Recreation Meeting a representative from Walkkill Valley Football requested to paint the two announcing stands and the buildings at the pond black and silver.

Mr. Kilduff questioned if silver and black would work for a building. Mr. Kulsar stated it could be a light grey instead of black.

The Walkkill Coaches will be supervising the painting of the buildings.

A discussion was held regarding which budget the money should come out of, Recreation or Buildings and Grounds.

Mr. Snyder thinks painting the buildings is a good idea; however the only opposition he foresees is that Franklin's colors are not silver and black.

Mr. Kilduff suggested Recreation meet with the coaches and monitor the project.

Mr. Giordano made a motion to authorize Walkkill Valley Football to paint the two announcing stands and the concession stand at the pond; not to exceed \$500. Recreation will approve the color selection. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Miller Abstentions: None

Mr. Giordano stated that Mr. Kilduff's son was awarded "Soldier of the Month" and wanted to congratulate him. Mr. Kilduff stated that it was quite an honor and he is very proud of his son who is now in Afghanistan and dad is hoping that he will come home soon.

Mr. Kulsar asked Mr. Kilduff the status of the development on Davis Road. Mr. Kilduff reported that DR Horton had a contract purchase deal with Amboy Bank; GS Realty is a subsidiary of Amboy Bank. Mr. Kilduff is not aware that they backed out of the development; he has not heard anything from them. The Developer's Agreement was recently completed with them.

Mr. Kulsar stated that he had heard that the developer went under and they refunded the money back to the people who bought the lots.

Mr. Kilduff stated that the only lots sold were in Hardyston, not in Franklin.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:05 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Rachel Heath, Acting Clerk