

**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
JULY 12, 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, Mr. Zschack, and Mayor Crowley.

Absent: None

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."

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.

Mayor Crowley stated that before the meeting is started he wished to address the fact that the discussion on the Littell Center is not on tonight's agenda and will not be discussed. The discussion is scheduled for the August 9th Council meeting. Representatives from Hardyston and the Joint Recreation Committee will attend the meeting to present the facts of the Littell Center; at that point the Council will decide whether or not to enter the lease for another year.

Mayor Crowley invited everyone to come back on August 9th at which time they can discuss the matter during the open public session. If you wish you may discuss or make comments on the matter tonight during the open meeting; however all of the representatives who are going review the usage are not here. It would be much more apropos to make comments next month when the right people are here.

Summary or Synopsis of Audit Report

At this time Mayor Crowley acknowledged Mr. Tom Ferry of Ferraioli, Wielkotz, Cerullo & Cuva Certified Public Accountants to present an overview of the 2010 Franklin Borough Audit Report.

Mr. Ferry stated that he will just discuss some major points in the Audit Report. Pages 1 and 2, which is an opinion letter that is given to every municipality in the State of New Jersey, States that the Borough of Franklin is not in accordance with generally accepted accounting principles, however the Borough are in accordance with the standards set by the State of New Jersey.

The biggest thing to note in the Current Fund (pages 3 & 4) is on the assets side which indicates that our Delinquent Taxes Receivable went from \$264,569.99 to \$429,351.07. That is basically the reason why Mr. Rome had to do the three year averaging for Reserve for Uncollected Taxes because when the tax collection rate goes down you have to raise more in Reserve for Uncollected Taxes.

\$27,000 in Tax Title Liens is another area of concern; it seems that outside lien holders are not buying as much anymore. Therefore the Borough inherits those Tax Title Liens, then taxes accrue every year; so that is taxes that do not go into the Borough. Every year the liens are reviewed and they are either sold or foreclosed on. Once a property is foreclosed the Borough can sell the properties and put them into a tax payer basis.

The Current Fund received \$13,000,000 of which \$12,000,000 were for taxes. Of that \$12,000,000, \$2,167,000 goes to the County, \$4,238,000 goes to the local school, and \$1,823,000 goes to the regional school. The balance of those monies, which is approximately 30%, is kept for the Borough to run their operations.

The Borough had a Statutory Excess Fund balance of \$1,799. That basically means that was a profit. You cannot use the word profit in governmental; but definitely that is what it is. Mr. Perry likes to consider the fund balance as a savings account.

The Borough took \$175,000 out of the savings account to balance the budget; we only put back \$1,799. The fund balance went from 378,000 to down to \$205,000. Hopefully, with Mr. Rome's plan and the Council cutting budget line items the Borough will rebound this year.

Anticipated Revenues versus what was received; if \$9,500 was budgeted for ABC Licenses and you received \$10,000 you have an excess. Too many negative numbers means that the Borough overestimated revenues. The only deficit is in Interest on Investments and Deposits. The banks are only giving a .05% interest. Bank of New York and TD Banks do not even want the Borough's business anymore.

Mr. Perry reported that he had an extensive meeting with Mr. Rome and Mr. Kilduff and they reviewed all of the Trust Funds, Capital Funds and they discussed in detail all of the specifics.

Since there were not questions from the Council regarding the Audit Report, Mr. Perry reviewed the Comments and Recommendations portion.

Mr. Perry stated that many of the towns in Sussex County are small operations. One of the things that the auditors look at is internal controls to make sure that someone is always looking out to make sure there are no problems and things don't fall through the cracks. As payroll decreases and the staff gets smaller, the internal control weakens.

The first comment states that there was some slight lack of internal controls in the Treasury Department. Because of the limited staff, Mr. Rome is basically holding the bag doing a lot of things. Mr. Rome does the General Ledger, some of the receipts, some of the disbursements, but the biggest thing is he does the bank reconciliations.

Mr. Perry would like have someone else do the bank reconciliations and have Mr. Rome check them. Mr. Perry realizes the Borough cannot hire more people; he is just making the Council aware of the situation. This is a comment, not a recommendation.

The second comment on the audit report is that the Recreation Department did not maintain a formal cash receipts journal. We rely on them to keep the cash receipts journal for a checks and balances; Mr. Rome compares their revenue versus what he has on his books. This also prevents revenues being put in the wrong account.

Managements Response: It is the recommendation of the Chief Financial Officer that all Recreation receipts and a cash receipts journal be maintained by the Clerk's office.

Mr. Rome stated that he insists that each month each department give him a cash report; the same as each department should be giving a cash report to the Council.

Mr. Rome explained to Mr. Giordano that the Clerk's office always had retained the Recreation receipts prior; a few years ago everything was given to the Recreation secretary. Even though Recreation consists of volunteers, they are handling municipal funds and they have to follow all the rules and regulations that are set forth by the State and by the auditing standards.

Mr. Giordano stated that a lot of things were taken out of the Clerk's office that needs to go back.

Mr. Rome agreed with Mr. Giordano and informed him that according to the State of New Jersey Under the duties of the Clerk one of them is to maintain all of the fees, permits and licenses.

Mr. Rome explained he receives monthly cash reports from every department. The reports are then tied into the dollars that he received for deposit. Mr. Rome utilizes Mrs. Franzino as an informal cashier; all the Departments bring their deposits to her. Mrs. Franzino logs all of the deposits so that the Borough knows that all of the receipts are credited to the Borough. This cash book is used to post to the General Ledger for all of the cash receipts.

Mayor Crowley asked that a correction be made on Page 6 – Beverly Hills has been changed to Hillside Estates. Mr. Rome will also correct his copy of Recommendations to read, "That a formal cash receipts journal be maintained by the Recreation Department".

Open Public Session Regarding Audit

Mr. Zschack made a motion to open the meeting to the public for any questions regarding the 2101 Audit Report; seconded by Ms. Miller. All were in Favor.

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

Resolution Certifying Review of 2010 Audit

Mr. Snyder made a motion to adopt a resolution certifying the Franklin Borough Council has reviewed the 2010 Audit Comments and Recommendations, with corrections, as required by N.J.A.C.5:30-6.5.

Upon Roll Call Vote:

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

Nays: None Absent: None Abstentions: None

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 of June 28, 2011. Seconded by Mr. Giordano

Mr. Snyder requested that the following vouchers be removed from the bill list for discussion: 16371, 16446, 16323 and 16409.

Mr. Zschack amended his to remove the vouchers from the bill list on the consent agenda. Seconded by Mr. Giordano

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Lafayette Township RE: Resolution 2011-28 in Support of the Endeavor by the Walkill Valley Chapter 1002 of the Vietnam Veterans of America Effort to Construct a Veterans Cemetery in Northern NJ.
2. Lafayette Township RE: Supporting the burden of property assessment appeal refunds.
3. Lafayette Township RE: Resolution 2011-27 For fair Distribution of State Aid for Education.
4. Lafayette Township RE: Resolution 2011-25 Urging Sussex County's Local Legislators to Draft a Bill to Amend OPRA.
5. Sussex Borough RE: Resolution 2011-55R Seeking Intervention to Increase Safety and Public Awareness on State Route 23.
6. Sussex Borough Resolution 2011-56R Supporting A196 by the NJ State Assembly.
7. Wantage Township and Fredon Township Resolution Supporting the Walkill Valley Chapter 1002 of the Vietnam Veterans of America to Construct a Veterans Cemetery in Northern New Jersey.
8. Samuel Belott dated 06/15/2011 RE: Commending DPW.
9. Letter from Marianne Smith, Hardyston Township Manager to Senator Stephen Sweeney regarding Senate Bill S2794 – Shared Services & Consolidation Bill.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for June 2011
2. Zoning Officer Report for June 2011
3. Construction Official Report June 2011

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 12, 2011.
2. Approve the hiring of the following individuals for the Clean Communities Program commencing July 13 through August 26, 2011, 20 hours per week at \$7.25 per hour: Kevin Good, Donald Ross, Thor Selden, Anthony Merino, Joshua Guest, Cassandra Guest and Rachel Fiedler.

Upon Roll Call Vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar asked Mr. Kilduff the status of Mr. Knutelsky's report on the proposed Recreation building. Mr. Kilduff stated that, although the report was to be ready for this meeting, he spoke with Mr. Knutelsky this afternoon and the report will be available for the next meeting.

Mr. Kulsar requested Mr. Kilduff to inform him when the report is available to enable him to review it before the next meeting.

Mayor Crowley reported that Hardyston Township is planning a celebration for one of their anniversaries next year and they would like to set a date that does not interfere with our Franklin Nite. Mr. Kulsar will contact Marianne Smith to discuss the matter before their next Recreation meeting.

Mr. Zschack reported that the Planning Board is continuing hearing testimony for the new Wal Mart on Route 23. The next regular Planning Board meeting is scheduled for July 18th with a special meeting on the 27th.

Mr. Snyder and Ms. Miller had no reports.

Mr. Giordano reported Recreation is sponsoring "Movies in the Park at Dark" this Friday at 8:30 pm.

Ms. Gardell reported the Board of Public Works has a meeting scheduled for Thursday at 7 PM.

Mr. Ursin informed the Council that Mr. Kilduff has arranged for the Tax Assessor to attend the next Council meeting.

Mr. Ursin also reported that there is a hearing scheduled for August 18th Transbanc and Reelcology Litigation. This hearing is to set the penalties and to hopefully finalize some of the aspects of that litigation.

For the benefit of the public, Mr. Kilduff reported that the new four-year contract with Blue Diamond Disposal has been fully executed. The total value of the four-year contract is \$1,440,000; that represents a savings of \$6,773.56 a month over our former contract with Waste Management.

There have been a few glitches. One of the things residents have to get used to is, per the contract, pick-up times begin at 6 am. There were some issues where garbage was not picked up because residents did not have it out at 6 am. Blue Diamond has been responsive and sent the trucks around again.

Mr. Kilduff explained that if residents have an issue or need to have an appliance picked up, they should contact Blue Diamond directly at 973 598-9800.

The construction of the demonstration Rain Garden next to the Senior Center is progressing well and should be done shortly. The Borough received funding through a grant with Rutgers Cooperative Extension.

Master Street construction plans will to the NJDOT by Friday. After the DOT review and approval of those plans the Borough will be able to bid the project. The Borough Engineer would like to have the bid placed for response for at least a three week period. Hopefully construction will take place early September.

The Backup Well Permit is still under NJDEP review. Once that permit is issued the Borough can go to bid on that project as well.

For the benefit of the public, the Hardyston Township Manager has been invited to the August Council meeting to make a presentation on the Littell Center. At that time the Council will discuss on the continuation of the contract with Hardyston Township. The decision to go forward should be made at the August meeting that will put the Borough within the four month time frame where the Borough would provide notice to Hardyston.

The Tax Assessor will also be attending the August Council Meeting.

The Governor has signed into law Pension and Health Benefits legislation, adopted on June 28th. The new law provides for immediate changes to employee health benefit contributions. There is a four year phase in period. At the end of that phase in, depending on salary levels, employees will be contributing up to 35% of the premiums for their health benefits. In all cases a minimum contribution of at least 1.5% of salary will be required. Franklin Borough employees are already making that contribution. Approximately ½ dozen employees will be immediately affected by the legislative changes in their health benefits contributions. For the remainder of the employees, they will begin to be effected with succeeding years more each year. Long term, the new legislation will have the effect of slowing the growth of benefits for the municipality by shifting the burden onto employees.

Employees enrolled in the Police and Fireman Retirement System, the employee contribution rate is increased from 8.5 to 10% of salary effective October 1, 2011. For all retirement systems cost of living adjustments are now suspended for all current and future retirees. Pensions are now fixed with no compensation for inflation or other rising costs.

Mr. Kilduff thinks it is important for the public to know that there has always been a perception that municipal employees have a great benefits package, which they have; it is not the same as other people have to pay in the private sector. Clearly this legislation is shifting all of that and you are seeing more of a burden in terms of benefits costs being shifted back onto the employee. If you are of the opinion that employees in municipal and government work have always had the best deal ever and couldn't be touched; you should be aware that there is a definite shift in the winds here and our employees are paying more and more and they also have not had the benefit of a salary increase either. In general, government is following suit of what is happening in the private sector.

Under Operational and Personnel Matters – the FOP has a continuing grievance in the matter of a former employee Carl Douma; that is scheduled for a hearing at our August 9th meeting. The Borough has not received further information as to the reasons for the continuance of the grievance. Mr. Douma has now filed a Workers Compensation Claim; it is not known at this time if that will be added to the grievance.

Patrolman Jesse Babcock was appointed and sworn in at the last Council meeting; he reported for work on June 29th and is currently in training.

The Clerk has exhausted all sick, personal and vacation time and has been paid in full for that. The Clerk has not spoken to Mr. Kilduff in quite a while and this matter is on the Agenda for Executive Session.

The Layoff Plan has been implemented; Mr. Frank Solitto of the DPW was laid off. Mr. Solitto was a good worker, we wish him well. Mr. Solitto was given a 30 day notice; he elected to waive to right to the 30 day notice therefore his last day on the Borough payroll on July 1, 2011.

Implementation of the Ordinance which was passed last month combining the Water Sewer and Road Departments into a single entity has commenced. Mr. Kilduff met with the temporary manager, Mr. VandenBroeck. An advertisement has been placed with the NJ League of Municipalities for a Public Works Manager. At the same time there has been a transitional switch; many changes have already been implemented and there are project getting done. Mr. Kilduff commended the Council for continuing to look for ways restructure and save taxpayers money.

Mr. Robert Genetelli has been advised of the Borough's intention to terminate his employment for economic reasons. Mr. Genetelli is a part-time employee who handles the water operations for Public Works.

The Borough Engineer is working on an estimate of the cost for, not only an I&I study, but the cost of the corrective action which the Borough would need to file for the grant with Rural Development.

Mr. Kilduff requested an Executive Session to discuss personnel matters and litigation.

Mr. Snyder asked Mr. Ursin if the Borough ever received information on savings on the kilowatt hours by transferring to another energy company.

Mr. Ursin will provide the information of the approved third party providers to Mr. Kilduff.

Mayor Crowley announced that the Franklin Rifle and Pistol Club is having picnic this week to celebrate their 100 Year Anniversary; there was a very nice article in the NJ Herald. Although they have not been in the same location all those years, they have been in existence in Franklin.

Mayor Crowley reminded that Recreation is hosting a movie on Friday night at the Pond.

Mayor Crowley reported that applications for the Chief of Police position have been received. Mayor Crowley, the Personnel Chairman and the Public Safety Chairman will interview the applicants. The Committee will then make a recommendation to the Council to fill the 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 Mr. Giordano. All were in favor.

Carl Groggaard of 13 Fowler Street, former Cub Master of Pack 90, for Scout Master of Troop 90, current Troop Committee Chair and also served eight years served on the Franklin Recreation Commission addressed the Council regarding the Littell Center. Franklin Recreation and Franklin Borough are both the Charter holders of both the Troop and the Pack; so whatever decision is made he hopes that the Council keeps in mind that the Scouts will still need a meeting place. Mr. Groggaard thanked the Council for allowing the Scouts to use the Senior Center for the troop meetings; but the Pack desperately needs a place to meet. We all know that areas to hold meetings are extremely hard to find; the Littell Center is the perfect place.

Mr. Groggaard apologized for not being a part of the Rain Garden Project at the Senior Center. It was a short notice because of the summertime and athletics for the young people plus summer camp for the Scouts.

Mr. Groggaard report that the only issue that they have had is one of the scouts, Jarred Henson, had come forward and he wanted to do something similar at the Senior Center as his Eagle Project and was denied. Mr. Groggaard said they were taken aback when they saw this garden come up next to the Senior Center. Mr. Groggaard would like to know in advance of any future plans.

Mr. Kilduff apologized and informed Mr. Groggaard that he was not aware of any Eagle Scout Project that was denied. The Rain Garden was funded through a grant.

Mr. Groggaard stated that they had worked out a plan with the Girl Scouts so they could earn their Silver Award by maintaining the scout project and they were also going to ask the seniors to help partake and perhaps grow some vegetables. The purpose of the getting the garden initially started was to get the community involved.

Dawn Inglis 72 Church Street stated that the Girl Scouts would have maintained the garden year after year; each troop that would come after them would have been able to provide the seniors with the produce from the garden. Unfortunately, when the Rain Garden Project came out with little notice many people were on vacation; some of the scouts would love to help out with that. Ms. Inglis stated that the scouts wanted to give back to the community because they use the Senior Center by planting a vegetable garden. She does not feel the Rain Garden is a good use of the space.

Mr. Kilduff realizes that it was very short notice; he was contacted by Rutgers and they wanted to accelerate the program. Mr. Kilduff though it would be nice if they could enlist the Boy Scouts and Girl Scouts and the other groups that might be interested in helping. A letter was sent out to enlist help, and no one responded. Rutgers wanted to complete the project as soon as possible. Mr. Kilduff explained how the Rain Garden worked and its purpose. Hopefully, residents who have a runoff problem in their own homes could utilize what they learned from this demonstration to create their own Rain Garden.

Ms. Inglis feels it is sad that they Boy Scouts were turned down for an Eagle Project which would also have been a Girl Scout project for their Bronze Award. A lot of people in our community would have benefited from the project.

Ms. Inglis informed Mayor Crowley that the Eagle Scout Project was submitted last year and was turned down. Mr. Groggaard stated that the original plan was submitted to Mike Gunderman for review. Mr. Gunderman brought the plan back to Jarred and said it was denied.

Mayor Crowley was unaware of the project and is not sure exactly why the project was denied. He will look into the matter; it sounds like a very good project.

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Mr. Snyder stated that the Council has always been very supportive of Eagle Scout Projects; the Council never saw the plans.

Mr. Giordano suggested that the Boy and Girl Scouts maintain the Rain Garden after completion.

Mr. Groggaard stated that he did not see a problem with maintaining the Rain Garden. A lot of the Eagle Scout Projects that have been done in town have not been maintained and they are deteriorating. The handicap path that was put down by the pavilions that is overgrown with weeds. Also a path was put around the monument and flowers were planted. When a Eagle Project is completed, it is a gift to the community to show the leadership of the scout; the community should help in maintaining those areas.

Mr. Groggaard stated that there are four or five homes that are empty on Fowler Street. Number 12 the grass is so high you think a lion or a tiger will be coming out of the Sahara.

Mayor Crowley will have the Zoning Officer look into the matter to see who is responsible for maintaining the property.

Mayor Crowley informed Mr. Groggaard that there was only one positive test that showed coliform in the drinking water; a subsequent test showed no coliform. The Borough feels it may have been a problem at the laboratory.

Marianne Gruszecki 49 Susquehanna Street is representing the Girl Scouts who use the Littell Center.

Mayor Crowley informed Ms. Gruszecki that, as far as the Council knows, representatives of Hardyston Township will be attending the Council meeting on August 9th.

Molly Hubbard 10 Master Street stated she and Ms. Gruszecki were actually girl scouts in town. Mayor Crowley informed Ms. Hubbard that the Franklin Council, not Hardyston Township would be the decision makers on the Littell Center Contract.

Mayor Crowley informed Ms. Hubbard that she could do her presentation tonight regarding the Littell Center. However, the people from Hardyston Township are not present to explain all of the data regarding Center.

Mayor Crowley stated that she could; however the point is that the representatives from Hardyston are not here to answer any questions. They have all of the data regarding all of the financial arrangements and the use of the building; what the percentages of people are from Hardyston, Franklin or from out of town.

Mr. Kulsar explained that the whole issue of the Little Center was brought about when improvements to the Franklin Pond area were being considered which included putting up a building to replace the concession stand. At no time ever was there to be no building for anyone to meet at. If the improvements do not happen at the Franklin Pond the Council will have to renegotiate the use of the Littell Center. The building plans slowed down; the contract with Hardyston Township was up and the Borough has to give so many months notice to cancel and he feels some preliminary information go out the wrong way. The Council's intention is not to deprive the organizations of a place to meet.

Mr. Kulsar reported that plans of a conceptual drawing for the building have been submitted to the Borough Engineer that, depending on funding, could be elaborate with a complete meeting room there or a smaller scale with a concession stand and storage areas.

Mr. Kulsar stated that some of the members feel it would be better to own our own building instead of spending \$40,000 a year to give to the State to keep the Littell Center operating. That money could be spent on the Borough's own building. The plans will be available at next month's meeting.

Emily Slockbower 1 Mill Street thanked the Council for having the junk car removed from Rutherford Avenue. Ms. Slockbower stated she wasn't clear as to the how the Master Street project came about.

Mayor Crowley informed her that years ago apparently some of the residents on Master Street had complained about the road and the sidewalks; the administration at that time submitted an application to the State for approval. It disappeared for many years and it came back with a State approval and funding for \$175,000 to do the project.

Ms. Slockbower asked if anything has been done about her request to have signs put up indicating no parking here to corner by the church. Mayor Crowley will check to see if the County has been notified of the problem.

Mayor Crowley inform Ms. Slockbower that there is a Borough Ordinance regulating that trash must not be put out earlier than the night before the scheduled pickup. If Ms. Slockbower sees people putting out garbage a few days before their scheduled pickup she should call the Borough Hall and report it.

Ms. Slockbower asked if the Boy Scouts could help clean up Miner's Cover on Main Street; Mayor Crowley informed her that it could not be done since it would be a liability to the Borough.

Mayor Crowley stated that the Borough is trying to get a developer in to take over the project.

Mayor Crowley informed Ms. Slockbower that the reason they are proposing the new building be near the pond it will provide easy access from the athletic fields for refreshments. There will be bathrooms inside the building for use only when the building is open.

Ms. Slockbower also stated that in the wintertime the people need to keep their sidewalks clear; should it be the same for the summer. In a certain area of town the gutters and sidewalks are littered with beer cans, cigarette cartons and garbage. Mayor Crowley stated it is very hard to enforce the Ordinance since it is a public area and it is not necessarily the landlords/tenants that are littering.

Dawn Inglis 72 Church Street stated she lives across the street from the church and the one person she reported to the police is the crossing guard who parks her car next to the stop sign. There is a law that you have to be 25 feet from the stop sign. Ms. Inglis had to pull half way out of her driveway to make a left hand turn; it is dangerous. They park on the sidewalk, which is in poor repair and needs to be redone. Ms. Inglis questioned who would be responsible if someone fell on the sidewalk; and who is responsible to fix that sidewalk.

Ms. Inglis stated that people also park next to the stop sign at the funeral home; that is absolutely illegal. None of the parking laws are enforced.

Mayor Crowley will speak to the Chief of Police regarding the parking and will speak with the Borough Attorney regarding the sidewalks.

Mr. Kilduff stated that he spoke with the County and they informed him that they do not get involved with sidewalks; that is the responsibility of the homeowner.

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.

At this time, Mayor Crowley requested a ten minute recess. The Council returned to open session at 8:30 pm.

OLD BUSINESS

Mayor Crowley directed the Council to the letter received from the Little League in response to the Council's denial requesting to extend the light curfew at the Franklin Pond.

Mayor Crowley recognized Lori Grant, District 20 Administrator which is Sussex, Warren and a portion of Morris Counties. Ms. Grant explained they Walkkill Little League were given the opportunity to host the section tournament for the 9 – 10 year olds which consists of five teams that travel from Bergen, Hunterdon, Morris and Sussex Counties.

Ms. Grant stated that they have no control over the scheduling of the games. They are concerned with any delay of games due to weather or games going to extra innings they would need a little extra time. The winner of this tournament will go on to the states.

The final game would be on July 17th with the possibility of a game on the 18th. Except for Thursday, there is only one game scheduled per day. Since Thursday is a double header it may run over the time if one game was to go into extra innings or if there is a rain delay; therefore they are requesting an extension until 10:30.

The final game would be on July 17th with the possibility of a game on the 18th. Except for Thursday, there is only one game scheduled per day. Since Thursday is a double header it may run over the time if one game was to go into extra innings or if there is a rain delay; therefore they are requesting an extension until 10:30.

Mayor Crowley explained to Ms. Grant that there were two reasons the Council denied their request. One was financial due to the costs of the lighting. The other was the neighbors around the field have complained in the past years about the noise after hours; for their convenience a curfew was established.

Ms. Grant informed the Council that they will not necessarily go that late; it is only for the flexibility if they need it.

Ms. Grant informed Ms. Miller that the double headers start at 5:30 and 8:00. Tonight they had to push it back and had everyone there at 4:00 to start at 5:00. This is a burden to some of the men that are coming from Par-Troy East, Middlesex, Paramus, and Ringwood they have to leave their jobs earlier to get the teams coming from Par-Troy East, Middlesex, Paramus, and Ringwood.

Mr. Zschack stated the, the way it was presented to the Council the first time, he was concerned that there was a possibility of the games going on for five or six nights in a row.

Mr. Snyder stated he expressed his concerns at the last meeting. The Council went through a lot to satisfy those residents; there were a lot of problems with balls going on the resident's property and the games would go late into the evenings; sometimes to 11 – 11:30. At that time the Council decided to put a 10:00 curfew on the games.

Mr. Snyder stated his problem is the fact that the representatives of the Borough fields did not inform them that there was a 10:00 curfew. Mr. Snyder stated that there have been other State Little League playoffs at the field that were able to conform to the 10:00 curfew. Unfortunately there was a miscommunication regarding the Borough's 10 pm curfew.

Mr. Giordano stated that he has spoken to some of the residents around the field and they do not want lights on. He suspects that they will be unhappy if the Council were to extend the hours. He stated that, from the first presentation, he was under the impression that the request for every night of the week. He does not have an objection to having an extension one night; he does have an objection to it being every night.

Mr., Kulsar asked, since they were concerned with the weather, if they could start their games at 6:30 instead of 7:00.

Mr. Zschack made a motion to extend the park curfew to 10:30 PM on Thursday night. Mr. Kulsar seconded the motion.

Upon Roll Call Vote:

Ayes: Giordano, Kulsar, Zschack, Mayor Crowley

Nayes: Gardell, Miller, Snyder. Absent: None Abstentions: None

Mayor Crowley asked Ms. Grant to make sure the lights were turned off as soon the games were completed.

At this time, Mayor Crowley recognized Judy Williams for an update on the Franklin Heritage Center.

Mrs. Williams stated that on July 15, 2010 the Historical Committee power washed the building, some light sanding was needed, a few boards needed replacement and each board needed to be primed twice the every board on the building had to be painted four times. The painting was completed early November 2010.

The weather prohibited any work to be done in the winter and spring. The fence has been removed; sections on the North side as well as the back will be removed in the next few days. They are still juggling work crews, timing and weather.

After the fence is removed it will allow them to clean up the shrubbery, leaves, the brush and the debris that is hanging down. Then the pile of dirt will be raked out and do some planting.

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The sign with the landscaping in the front has been installed. A Dogwood and a Weeping Cherry tree have been purchased and will be planted. The trees at the site are all flowering trees.

The south side of the property will also be cleaned up. The only problem they have is tenants from the adjoining property dumping their debris on the property. Mrs. Williams has spoken to the Police about the problem and they could not help her. Mrs. Williams dealt with the problem herself and she is still working on it.

As far as the permanency on the inside; the building is on its permanent foundation, the permanent electrical panel has been installed inside downstairs, the two storm water runoff tanks have been installed, the natural gas and water and sewer hookups are complete.

The Historical Society has applied for two different grants; the Daughters of the American Revolution for a grant for the bell tower and to the 1772 Foundation for a grant to repair the roof. A representative of the 1772 visited the site and verified that the need was legitimate. She was very impressed with the project and was making a recommendation to the foundation to advance that part of the application.

Once the roof is repaired they can proceed with the inside work. They have commitments for the internal work, for example whatever would be needed by code for the fire compression system.

Mayor Crowley asked if there were any time projections on completing the building.

Mrs. Williams stated she does not have time projections because money, weeks and time all seem to go too fast when you need one or the other. They are working as fast as they can. It is unfortunate that the economy turned just when they were going forward with this project.

Mrs. Williams stated that they are very proud of the fact that the Franklin Fire Department will be celebrating their 100th Anniversary in October and they are taking that into consideration as far as having the property looking its very best since that is the location that the reviewing stand will be.

Mr. Zschack stated that it was his understanding that the Historical Society received an 18 month extension for the completion of the Heritage Center which runs out at the end of this year. Since two-thirds of time is gone, has two-thirds of the work for that entire project to get to the end result.

Mrs. Williams stated that once the roof is done, the rest will fall into place. The back kitchen and the bathroom are the plumbing and electrical work that just needs to be run; then the installation and the sheetrock can be installed.

Mrs. Williams encouraged the Council to come down and say hello any time. Mrs. Williams have many visitors from Franklin as well as people from out of town stopping by to see the progress.

Mrs. Williams stated that the Historical Society appreciates the Council's support and tolerance with the Franklin Heritage Center project.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on June 14, 2011 with corrections. (Absent: Ms. Miller) Mr. Zschack seconded the motion.

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nayes: None Absent: None Abstentions: Miller

Mayor Crowley informed the Council that the June 28, 2011 meeting minutes were not complete, a major item was inadvertently left out and asked that they be carried to the next meeting.

Mr. Giordano made a motion to carry the June 28, 2011 meeting minutes to the next meeting. Mr. Zschack seconded the motion.

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

PAGE ELEVEN OF THE MINUTES OF JULY 12 , 2011

Ms. Miller made a motion to approve the June 28, 2011 Executive Session minutes. Seconded by Mr. Zschack.

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

Ms. Miller made a motion to approve the minutes of the Special Meeting held on June 23, 2011. Seconded by Mr. Zschack. (Absent Ms. Miller)

Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nayes: None Absent: None Abstentions: Miller

Resolution Appointing David Simmons, PE as Water System Consultant

Ms. Miller made a motion to approve the appointment of David Simmons, PE as Water System Consultant at the rate of \$480 per month or \$5,760 per year. Seconded by Mr. Zschack.

Mr. Kilduff reported that under the current arrangement there is an employee who is being paid \$9,600 per year plus pension benefits. The contract with Mr. Simmons of Harold Pellow & Associates will result in a cost savings of \$3,840.

Mr. Kilduff reminded the Council that this is a temporary appointment in that the Borough expects to have the backup well on line soon. The Borough will then be able to do away with the service water treatment program at which point we would not need the services of Mr. Simmons because Brian VandenBroeck has the T2 License which will be required.

Mr. Kilduff has spoken to Mr. Genetelli who is currently employed with the Borough as part time in this position and informed him of this tentative plan. Mr. Genetelli had a prior contract which has since expired and provides for a two-week notice. Therefore he will continue his services through the end of July at that point to convert to Harold Pellow & Associates on August 4, 2011.

Mr. Kilduff explained to Mr. Kulsar that this is not a yearly contract; it is basically consulting services at the rate of \$480 per month.

Ms. Gardell voiced her concerns regarding the \$120 hourly rate; if they go over 4 hours a month will they bill the Borough for the extra time. Ms. Gardell also is concerned that the contract is through December 31, 2011.

Mr. Kilduff explained that Mr. VandenBroeck does a lot of the leg work and communicates to the T3 License holder via emails, faxes and telephone conversations. Therefore the amount of time Mr. Simmons would actually spend on site would be limited to 4 hours. Mr. Kilduff reported that Mr. Simmons stated that he would be very flexible with the contract.

Ms. Gardell as liaison to Board of Public Works passed on concerns from Mr. VandenBroeck to this offer. He recognizes that there is a savings and has no concerns of the professionalism of Pellow Associates but he is concerned about someone new coming on board that has not worked with them; he is worried about how much time it might take for himself or other employees to pass on information to get Mr. Simmons up to speed. Also there is a question about the fact that this is only a service for a few months and is wondering if the cost savings is worth the interruption of the service they have right now.

Mr. Kilduff stated that when he spoke with Mr. VandenBroeck he raised some of those concerns but he also indicated that he knows Dave Simmons and he would expect that he could work with him.

Mayor Crowley stated that Mr. Simmons has been working on the Borough Well and he is familiar with our water treatment.

Ms. Miller amended her motion to approve the appointment of David Simmons, PE as Water System Consultant at the rate of \$480 per month with a 30 day termination of agreement. Seconded by Mr. Zschack.

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

Mayor Crowley asked that the Resolution Appointing Risk Management Consultant be removed from the agenda; the administrator needs to negotiate to see if the Borough can get a better rate before it comes before the Council

Mr. Giordano stated that Hale Brokerage no longer exists; it has been absorbed by Hub International which no longer has any local agents in this area.

Mr. Kilduff reported that he has had one conversation with Scott Readlinger, he has never met him and feels it would behoove the Borough to be more familiar with our brokerage firm and would like more time to look into the matter.

Mr. Giordano has had personal experience with Hub International and he suggested the Borough look elsewhere.

Ms. Miller made a motion to approve the application for membership of Brian S. Davis, 69 Corkhill Road, Franklin to the Franklin Fire Department as recommended by Fred Babcock, Franklin Fire Department Chief. Seconded by Mr. Zschack.

Mayor Crowley spoke with Chief Babcock; he apologized for the application being sent in late but they needed the Council's approval so that Mr. Davis can start fire school.

Mayor Crowley informed the Council that in many towns they do not appoint people to either their fire for first aid. This is a precedent that has been done in Franklin for years. But the reality is that once the Council appoints someone the Borough does not get involved in any disciplinary actions.

Mr. Ursin stated that there is no Borough Ordinance requiring the Council to approve membership applications, it has been a custom and tradition that has developed in Franklin.

Mayor Crowley stated that in the future the Fire Department and First Aid Squads can make their own appointments.

Mr. Kilduff stated that it is in the Fire Department's policy to have new members approved by the Council. Mayor Crowley will speak to them about changing their policy.

Upon Roll Call Vote:

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

Nays: None Absent: None Abstentions: None

Voucher's Removed From Bill List

Mr. Snyder addressed PO #16371 which was the 2009 billing for Franklin Meadows; he would like why it was paid through the solid waste line item.

Mayor Crowley stated that Franklin Meadows has a new property management company who has come up with lighting reimbursement bills that had not been submitted to the Borough for payment. This voucher will be removed for an explanation of why the solid waste account was charged.

Mr. Snyder addressed PO #16446 Home Depot Credit Services. He believes this is the same issue that he has brought up several times regarding late charges. Some clarification was in with the billing that the Borough has been able to have the late charge waived by calling; but it would be the last time. Obviously they could not waive the finance charge of \$5.25; his question is why the Borough needs the card.

Mr. Kilduff explained that the card is used to make purchases for materials needed from Home Depot right away in order for the work to get done. The problem is the billing cycles, by the time Home Depot receives the payment, it is overdue. This is the second finance late charge that he has experienced since he has been administrator; both times he called and they took the charge off and indicated that they will not do that anymore.

As suggested by Ms. Miller, Mr. Kilduff will speak to Mr. Rome to see if the billing cycle can be changed.

Mr. Snyder addressed PO #16323 regarding vendor Jimmie the Shoe Doctor; it appears to be for a purchase of work boots for an employee that is not longer with the Borough. Mr. Snyder's question is whether or not that voucher should be paid since that employee and another employee both purchased work boots just a couple of months ago.

Mayor Crowley stated that the Borough is liable for the purchase if it was made by an employee; there is no way to get the money back from the employee.

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Mr. Snyder addressed PO #16409 regarding State Health Benefits Program; the ex-chief is not longer with us; why is the Borough still being charged for his dental plan in the amount of \$106.

Mr. Kilduff stated that he was in contact with State Health Benefits today; they will be making a retroactive adjustment to the billing. Mr. Rome recommended the Borough pay the bill and they will make an adjustment to the charges.

Mr. Snyder made a motion to approve payment of 16446, 16323 and 16409. Seconded by Mr. Giordano.

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

Mr. Kilduff reported that a bill from Clough Harbor was not on the bill list. After Mr. Kilduff became administrator, the Borough continued to receive bills from Clough Harbor for work that they had done prior. There were two bills; one for \$5, 88.17 and the other for \$1,553.19. Mr. Zschack, the Budget Chairman had instructed Mr. Kilduff not to pay those bills. There was an ongoing dispute regarding the bills. He finally was able to meet with a representative regarding these two bills. He explained that these bills were for work done in connection with the backup well. The one area that Mr. Kilduff focused on was that when Clough Harbor brought down one of their people to monitor the well progress they put that individual up in a hotel for a week and provided for expenses and tolls. Mr. Kilduff was able to have the charges for food, lodging and other expenses taken off the larger bill; that totaled \$1,034.17.

Mr. Kilduff recommended the Council approve the payment of the final bill from Clough Harbor in the amount of \$6,407.19. Mr. Kilduff explained the hourly charges to Mr. Snyder.

Mr. Zschack made a motion to approve the final payment of \$6,407.19 to Clough Harbor. Mr. Snyder seconded the motion.

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

Mayor Crowley addressed the suggestion by Mr. Snyder that the Borough adopt a resolution in favor of the effort to construct a Veterans Cemetery in Northern New Jersey. Mayor Crowley stated that when his father died he was buried in the Veterans Cemetery which is down by Fort Dix, which is a 1½ to two hour drive. Therefore he thinks that there is definitely a need and it would be nice to have such accommodations done in North Jersey.

Mayor Crowley recommended that the Council pass this Resolution regarding the Veterans Cemetery next month.

Mr. Snyder also addressed the letter from Marianne Smith not supporting Senate Bill S2794 which is a Shared Service Consolidation Bill; the matter is also of concern to him.

Mayor Crowley agreed. Basically the bill will force municipalities into shared services or consolidation as they see fit.

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 legal matters. Motion seconded by Ms. Miller

Upon Roll Call Vote:

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

Nayes: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:59 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Ms. Gardell reported that the Council needs to address the need for the appointment of a Recycling Coordinator.

Mayor Crowley asked Ms. Miller to have the Personnel Committee address the issue.

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Mr. Kulsar stated that there was a mix- up with Blue Diamond with the trash removal at Franklin Meadows. Have they resolved if Franklin Meadows will receive two pickups per week?

Mr. Kilduff reported that the contract calls for once a week pickup; the old contract with Waste Management also called for once a week pickup. Mr. Kilduff found out yesterday that Waste Management took it upon themselves to pick up twice a week.

Mr. Kulsar stated that if there is a pickup only once a week the Borough will have to do something about the garbage at Franklin Meadows; it is becoming a health issue.

Mr. Kilduff understands the problem; this might involve extra costs for the municipalities.

Mr. Kulsar reported that Franklin Meadows does not have the dumpsters to hold all of the trash or the areas to store more dumpsters for a week.

Ms. Gardell stated that the Municipal Service Agreement states that the Borough provides the same service level as the rest of the town. If Franklin Meadows needs twice as frequent pickup for waste, then that is something they may have to pick up the cost on.

Mr. Kulsar stated that the other option is everyone is putting out two garbage cans in front of their unit; then you will have 360 garbage cans. If it was explained to Blue Diamond that the time they were going to spend by having to pick up two cans per unit once a week, they could go up there and dump dumpsters out twice a week for a lot less time. It will also be a convenience to them as well as a convenience to the association.

Mayor Crowley stated that when it comes down to it who is responsible, is it the Condo Association or the Borough's responsibility.

Ms. Gardell stated if the waste hauler said the dumpsters are unsafe to handle, then Franklin Meadows will have to address the issue.

A discussion followed regarding the condition of the dumpsters and if the areas are large enough to maximize the size of them.

Mayor Crowley reported that Mr. VandenBroeck has instituted a number of things; more log books, more paperwork showing the work completed by employees at all levels, what work the supervisors are doing and one man in a truck for certain duties.

Mr. Snyder asked if the correct time clock had been installed at the DPW building. Mr. Kilduff stated that the wrong time clock was ordered. The correct biometric time clock that reads fingerprints has been ordered.

Since this is new technology, Mr. Kilduff has sent an email to the CFO in order to meet with the Payroll Department to monitor and handle the new clock. The new clock will be able to store data within the clock up to 50,000 entries; it can also transmit the data via a computer.

Mayor Crowley informed Mr. Snyder that they have met with the new owner of Kulsar's Garage; he is going to restore the building and then will come in with a site plan which will include paving; his intentions are to put in few retail stores in the building. The owner will also ask for another smaller store on the other end of the parking lot; he will have to receive a variance for that.

Mr. Snyder asked Mr. Kilduff if he could prepare an update on the ongoing or new projects in Franklin.

Mayor Crowley informed Mr. Snyder that there is not a lot to report; the Covello Brothers were in and said they have someone interested in their building for a family restaurant and the biggest project in Franklin is the new Wal Mart.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 10:10 p.m., seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Rachel Heath, Acting Clerk