

**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  
AUGUST 09, 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, Ms. Miller, Mr. Zschack, and Mayor Crowley. Absent: Mr. Snyder

Mayor Crowley led the assembly in the flag salute.

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

Mayor Crowley stated he wished to extend our condolences in this time of sorrow from the Mayor and Council to Councilman Snyder's family in the loss of his mother Mary McKeeby who was a longtime resident of Franklin, the Franklin School Nurse for many years, a Veteran of World War II, and a member of the American Legion Post.

### **PRESENTATIONS**

At this time Mayor Crowley recognized Hardyston Township Manager Marianne Smith who gave the Council a report on the recreation activities held at the Littell Center.

Mrs. Smith introduced Hardyston Deputy Mayor Carl Miller to the Mayor and Council.

Mrs. Smith distributed a copy of her presentation and stated she was here tonight to give the new members of the Council who do not have as much of a historical recollection of how the Littell was started and what type of service it provides for both Hardyston and Franklin.

Mrs. Smith reported that in 1996-1997 Senator Littell lobbied the State of New Jersey Department of Military and Veteran's Affairs for use of the old abandoned military facility for recreation. Senator Littell also secured grant funding to restore and retrofit the facility for recreational use. A new roof was installed, the parking lot was repaved, the floors were retiled and a lot of general cleanup was done by the joint DPW staffs.

Senator Littell was also able to negotiate a very lucrative contract arrangement with the Division of Military Affairs whereby the municipalities pay zero rent for the building; on a yearly basis you might be paying \$40,000 just to rent a space like the Littell Center. The Municipalities do have to reimburse for the utilities costs on a percentage basis of the space that we actually use together with any inspection costs or maintenance costs that Military Affairs has to expend on behalf of the center.

The facility opened 13 years ago to be used in conjunction with the newly created joint recreation department and was dedicated to Senator Littell for his very valued efforts to be able to make the center a reality.

Mrs. Smith then reviewed the actual yearly costs. The change has gone on the negative on our costs to Military Affairs because there was a renegotiation as far as the percentage of space we were being assessed for relative to utilities. Department of Labor and a recruiting office are now in the Armory so we were able to drop our percentage from 80% to 65% of utility costs.

Over the years a decision was made to change the staffing levels. The fulltime director was eliminated and expanded the hours of the part-time employees. That helped to minimize the expenses. Over the past year the facility has one part-time staff person. This is working because some of the utilization of the facility has shifted away to a degree from programs that we sponsor to a great utilization by local groups. The contract amount with Franklin went from \$57,709 in 2006 to \$31,842 in 2011. Hardyston is paying the same amount; the Joint Recreation Trust Fund is used for the balance of the cost of the budget for the facility. The trust fund consists all of monies collected for various functions held at the Center as well as rental of the facility by various sports groups. Drug Alliance monies are also used to offset costs at the Center.

Several capital improvements have been made. Hardyston Township paid \$10,000 to have air conditioning installed and they reconfigured the meeting room and build cabinetry and put in a sink for a \$15,000 cost. Both Franklin and Hardyston shared the cost of \$8,000 to install bleachers and the installation of netting to protect the windows in the gym which cost \$3,000.

Hardyston is the lead agency in the interlocal agreement therefore they are in charge of all of the administrative oversight of the operations of the Littell Center with direct supervision by Hardyston's Public Works Director and general oversight by Mrs. Smith.

All interior maintenance issues are the responsibility of Hardyston as well as administration that is associated with securing and maintaining our Joint Drug Alliance Grant Monies. Snow plowing and lawn mowing are the responsibilities of Franklin Borough.

Overall utilization of the Center over the past four years; the first three years of that Hardyston was running slightly lower numbers than Franklin. This year Hardyston was a little higher this year with utilization. Both towns had a significant growth in their utilization of the facility 2009 – 2010.

Ogdensburg and Hamburg have a decent amount of participation by residents; they pay a few dollars more for the special events held at the center.

Mrs. Smith directed the Council to the handout which gives a sense of the programs that are run on a regular basis, how many times a year they are run and an overview of who is participating from the different towns. Also included are the community groups that use the Center; everything from 4-H, seniors, Walkkill Women's Club, multiple Boy and Girl Scout Troops, softball, little league, basketball, soccer, the Heritage Society and the Franklin Historical Society. The Franklin-Hardyston Seniors, who have a very strong group, have their monthly meetings the first Monday of each month at the Center and approximately 90 seniors for every town attend.

Mrs. Smith explained that if 51% of any particular group has their membership from Hardyston and Franklin then they are able to utilize the facility at no charge.

Shared costs between the municipalities continue to be very cost effective while still providing a very high level of opportunity for our residents. The facility is available to the communities at zero costs; there is no rental fee.

There is new person at Military Affairs who was not very happy with this lease because they charge all the other people who use the Armories a rental fee; because Senator Littell put this into place with the provision that it just be utilities we are able to continue to have this good arrangement.

Mrs. Smith also spoke about the addition recreational programs and amenities held that benefit both Municipalities. Through the donation of Councilman Ken Kievit they now have portable lighting for sporting events at Hardyston's Wheatsworth Park Complex.

The attendance at the Summer Camp was dropping; the costs were quite high. An arrangement was made with the YMCA and they allow Franklin and Hardyston residents to participate in their camp without being a member of the YMCA. Also a \$10 camp discount is given to any Franklin or Hardyston young person that is participating in the camp program; that costs us approximately \$1,000 per year.

From 2006 to 2011 costs have been reduced by \$61,000 per year; that is an overall budget reduction of 58% over a five year period.

Based on population there was a 5% growth in utilization of the Littell Center; 2009 was 27% and 2010 was 32%. Hardyston's utilization grew by 10% from 15% in 2009 to 25% in 2010.

Mrs. Smith stated regionalizing the recreation is beneficial at a total cost of approximately \$31,000 per town because the children from Franklin and Hardyston go to high school together and all of the leagues are Walkkill Valley. At a total cost of approximately \$31,000 per town.

Mrs. Smith stated that they are committed to recreation, in these times we feel that people do need opportunities to have recreation; we have a very strong obligation to provide these services at the lowest costs that we possibly can. Recreation is one of the core responsibilities or missions of municipal government.

Information regarding Drug Alliance, fees that are charged and individual fees for different events was provided to the Council.

Mayor Crowley asked Mrs. Smith to explain the Drug Alliance program. The Municipal Drug Alliance is funding that we get from the State of New Jersey, it is much regulated. The Joint Municipal Drug Alliance Committee that has an equal number of representatives from both Franklin and Hardyston. The money is basically split on a 50/50 basis; most of the money that is not used to run programs at the Littell Center is utilized by the schools. Since it is a municipal grant program to receive the funding the municipality has to actually administer it.

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The program is very time intensive, about 10 hours per month; but \$12,000 is worth the effort and is beneficial to everyone.

Although the Drug Alliance Program has an anti-drug message, it is more so to provide alternatives to having children who have nothing to do; whether it is a dance, an after school healthy choices program, red ribbon day and anti-bullying seminars.

Mayor Crowley asked Mrs. Smith if when people use the facilities the check is made out to Hardyston Township and then the money is deposited into the trust fund.

Mrs. Smith reported that there is a separate dedicated fund called the Littell Center Trust; anything that comes through the Littell Center is deposited in the Littell Center Trust account. The trust fund revenue usually somewhere from \$11,000 to \$15,000.

Mr. Giordano stated that the Franklin Historic Society hosts a train show once a year and he asked if we are charging them to use the facility. Mrs. Smith stated the Historic Society is a non-profit and it is a Franklin group. Mr. Giordano stated his concern was that they were being charged to use the Littell Center. Mrs. Smith will follow-up to see what the reasoning was for the charge. Mr. Giordano will speak to the person for details on the charges.

Mr. Giordano stated he would like to see a joint Wallkill Valley Recreation Board meeting on a regular basis; he is not aware of the people on that board. He has a list of every person of every board there is and he cannot find the Joint Recreation Board Members.

Mrs. Smith reported that she had an opportunity to speak briefly with Mayor Marino since a lot of Hamburg residents do utilize the Littell Center; they are opening a new park on Sunday and they would like to integrate they facility into all the recreational planning. Since there town is smaller than both Franklin and Hardyston their resources are more limited.

Mrs. Smith feels it is important to have all four towns participate in the Littell Center. She does not know how long Franklin and Hardyston can continue to carry all of the financial obligations; we need more support from both Hamburg and Ogdensburg.

Mrs. Smith informed Ms. Gardell that we have a year-to-year lease with Department of Military Affairs with the same terms. The State is on a fiscal cycle; the contract usually is signed after their budget is passed.

Regarding the Drug Alliance Mrs. Smith explained to Ms. Gardell that the in-kind contributions are 75% in-kind requirement is met by salary from Hardyston DARE officer and the remainder is volunteer time.

Mr. Zschack asked if Hardyston has discussed what would happen to the Littell Center if Franklin does not participate financially.

Mrs. Smith stated that it would be a policy decision; but Hardyston's commitment would be to keep the Littell Center. However, Hardyston would have to look at how they will charge user fees. Hardyston could not do it alone for all three municipalities. Right now local groups are not being charged for their non-resident participants. Hardyston also has a 2% cap and would not be able to absorb \$31,000; the money would have to come from somewhere.

Mr. Zschack asked when the last time that Hamburg and Ogdensburg were asked to help support the Littell Center. Mrs. Smith stated that there has not been a formal discussion in a long time. She broached the subject with Mayor Marino who was open to the conversation that does not necessarily mean a commitment.

Mrs. Smith informed Ms. Gardell that the facility is open Monday, Wednesday and Thursday from 9am to 5pm. Although there is no staff at the facility after 5pm, different sports group pay a deposit for a key and utilize the facility in the evening.

At this time, Mayor Crowley opened the meeting to the public for questions or comments regarding the Littell Center.

Mr. Zschack made a motion to open the meeting to the public. Seconded by Ms. Miller. All were in favor.

Kaitlyn VanDyk of 415 Rutherford Avenue distributed copies of her presentation regarding the Littell Center. Kaitlyn state that she has been a proud Girl Scout of Franklin for 11 years and a lifetime resident of Franklin. She feels that the cost of leasing the Littell Center is well spent because it is large enough for countless Franklin based groups that use the facility weekly.

Ms. VanDyk also stated that a new building at the Franklin Pond would not be able to accommodate all of the groups. Also parking would be a problem since the Girls Scout's meet the same time as football, softball and baseball season. Since the new building would not be ready in four months she would like the Council to consider staying in the contract with the Littell Center.

Mayor Crowley explained that the lease is not on a year-to-year basis. The proposed building is in very early discussion and if approved would not be ready within the next year or two. Also, the engineers would have to look at the project with the Planning Board to discuss what the adequate parking would be.

John Moormon, a Hardyston resident for six years inquired about the success of the Drug Alliance Program.

Mayor Crowley stated that he was once the President of the Drug Alliance, the money is a grant from the State. The State utilizes money collected from DWI and other fines and gives it to municipalities for anti-drug education. With the joint program, Franklin and Hardyston receive \$12,000 a year for supportive type anti-drug programs which include recreational, dances and other programs that give an alternative for the children. As far as the success rate is very difficult, we do not really know. However, it is a very positive program funded by the State.

Ms. Smith added that any of the programs, whether it is a dance or other activity, they make sure that there is some type of anti-drug message material handed out. The program works in partnership with Center for Prevention and Counseling who have a broad variety of services. We partner with them and sometime have them come and give a presentation at some of the events. The programs also involve seniors.

Mr. Giordano stated, from personal experience, that one of the most successful programs supported by the Drug Alliance is Project Graduation.

Mrs. Smith reported that Hardyston Township has a DARE officer in the schools on a full-time basis during the school year. \$1,000 is taken out of the program for different instructional material. The DARE officer in the school has enabled the municipality to have some important connections and relationships with children as well as helped on the other end of enforcement at keeping drugs at bay.

Mr. Moormon complimented both Hardyston and Franklin, coming from the inner city of Newark to moving here has been wonderful, especially the bears.

Judy Stampone 59 Woodland Road stated that she missed the beginning of the meeting; she asked Mrs. Smith if she was here to try to convince Franklin not to pull out of the Littell Center.

Mrs. Smith informed her that she was invited this evening to give the Council an overview of the history and an operational status report of the Littell Center for the benefit of new Council members.

Mayor Crowley informed Ms. Stampone that the contract with Hardyston for the Littell Center is done on a yearly basis, the Borough needs to give them a six-month notice if Franklin is not going to renew the contract. Hardyston was kind enough to reduce it to a four-month notification. Therefore, if Franklin is not going to renew the contract the Council would have to let them know at this time.

Mrs. Stampone asked the Council's reason for not wanting to renew the contract.

Mayor Crowley said one of the reasons was to save money. Also there was a movement of wanting to build our own recreation facility at the pond and offset the cost of that by the yearly amount that we pay for the Littell Center.

Mrs. Stampone questioned where the money would come from to construct the building and maintain the building; is it going to cost less than what we are paying now to build and maintain the new building.

Mayor Crowley explained that there is approximately \$140,000 of dedicated funds available that the Borough has now from the Millie Harden fund and other funds within the Franklin budget that are dedicated to Recreation. The estimate for construction of the new building would be approximately \$250,000 and the cost for engineering and everything else would be another \$250,000. The Council will be discussing the matter and the Council will decide if it is feasible to construct a new building.

Mrs. Stampone stated if you cannot duplicate the space that is utilized at the Littell center in a building at the pond then the Council should continue to pay the money and not forget the new building.

Dawn Ingles 72 Church Street stated that a new building would cost \$500,000 and how much the yearly maintenance on the new building would cost. Where you are putting up the new building is very close to the pond; did we get DEP approval.

Mayor Crowley informed Ms. Ingles that the figures were only estimates given by the engineer. Sewer and water are available at the pond so there will be no hook-up fees. The cost of sewer and water will depend on how much the building is utilized. Also, the Borough does not need a specific DEP permit.

Mayor Crowley stated the Borough could stay in the interlocal contract while constructing the new building. The Council is not making a decision on the building tonight, only on the renewal of the lease with Hardyston to stay at the Littell Center another year.

Mayor Crowley informed Ms. Ingles that the Millie Harden's bequeath has been put into investments and the interest has been given to Recreation for their use.

Mayor Crowley informed Ms. Ingles of all of the events scheduled by the Recreation Commission; Franklin Nite, Movies and Concerts at the Park. All of these events were on the Borough Calendar and also advertised in the newspaper.

Mr. Kulsar informed Ms. Ingles that there is an open seat on Recreation if she would like to join. Ms. Ingles declined.

Jo Ann Kulsar 10 Fairway Drive stated that she is really not concerned about the building issue this evening but she wants to defend the comments made about Recreation. Mrs. Kulsar has been on Recreation for three years; there are no volunteers in the town who come out to help Recreation with any of their events. Recreation had 8 people running Franklin Nite this year; although Mrs. Kulsar has resigned from the Commission she still helps out. Mrs. Kulsar understands the concerns about the children in Franklin and if there is anything for them to do. Mrs. Kulsar stated she would like to see this many people at a Recreation meeting and this many volunteers at Franklin Nite.

Mrs. Kulsar stated if everyone has that many concerns about a building and that much concern about money and what your children have to do in Franklin you should have a little more concern about the Recreation and maybe Franklin could have the recreation fields and facilities and the cooperation from the residents as Hardyston, Hamburg and Ogdensburg do. There are seats available on the Recreation Commission if anyone is interested. Girl Scouts and Boy Scouts are not the only thing in Franklin that are going to keep the children off of drugs and it is not the only thing that is going to keep them busy.

Lisa Mazzucco 30 Woodbine Avenue has been a member of Girl Scout Troop 897 for five or six years now; this troop is an active member of this community we do a lot for this community. The troop goes out for Franklin Clean-Up Day; anytime that Franklin has asked for volunteers our troop has been available. The Littell Center is a valuable part of this community; she would hate to see Franklin back out of the contract. Where would the Scouts come up with the money to rent and to utilize that Center if Franklin backs out? The Boy and Girl Scouts are very valuable members of this community and Scouts do keep the kids off the streets.

John Fresella of Hamburg, Club President of Walkkill Valley Travel Soccer League, apologized for being from Hamburg. There are 160 children in their travel program which does not include could the separate recreation program that is run. Most of the time they used outdoor fields for soccer but they do use the Littell Center in the winter and also for their club meetings. Hopefully we are preparing these children for the high school that all four towns attend. 60% of the soccer league consists of children from Franklin and Hardyston; the rest are from Hamburg, Ogdensburg and out of town. Mr. Fresella stated that the facility is great especially to keep the kids active in the winter. They greatly appreciate the facility; there are about 30 or 40 children from Franklin alone in the travel program. He also stated if Franklin and Hardyston plan on presenting to Hamburg and Ogdensburg let all of the clubs and groups know so they can send their parents from those towns to the meetings.

Karen Folkerts 113 Main Street asked for a review of the percentages of participants from Franklin. Mrs. Smith stated that in 2009 27% of the population participated and 2010 32% of Franklin's population participated. Hardyston was 15% in 2009 & 25% in 2010. Mrs. Smith provided Ms. Folkerts with a copy of the information presented and explained the billing procedure.

JoAnn Tatka 151 Maple asked who paid for the cabinets at the Littell Center and why they were locked. Mrs. Smith informed her that Hardyston Township paid for them and each group has a cabinet for supplies. Mrs. Tatka does not think a new building will be able to service football and scouts at the same time; sports always seem to carry the upper hand.

Ray Hatke, president of the Hardyston Seniors for the past 3 years stated that they now have over 125 members with between 70 and 80 members attending monthly meeting. He is concerned about having a place to meet as well as a place to park their cars when they go on trips.

Tom Peterson 11 Harvest Trail, with Troop 187 Hamburg/Hardyston and utilize the Littell Center often. One of his biggest concerns is if Franklin does pull out how long can Hardyston pay for the building on their own; he would hate to see us loose the building.

MaryAnn Gruszecki 49 Susquehanna Street stated that the Littell Center is truly a unique space that brings the entire community together; children and adult activities are held there. She questioned if a new building could be built so close to the stream.

Merinda Gruszecki, 49 Susquehanna Street, reminded everyone that it is all about the children and what is best for the children.

Betty Allen, Jenkins Road, talked about what she remembers was offered in Franklin while she was growing up in town. Mrs. Allen would like to see something worked out with other towns for example, Heaters Pond in Ogdensburg, for Franklin residents to use their facilities. Mrs. Allen said she would like to see these groups get together discuss the issue and come up with a solution to bring it back to the Council. They are the people that know what we need and how best to go about it.

Mayor Cowley stated there is a Recreation Committee that has open meetings, they can go to the meetings, voice their opinions and work with them with any of these projects.

Molly Hubbard, 10 Master Street, Franklin, stepped forward. Ms. Hubbard thanked Hardyston for being committed to recreation. Ms. Hubbard said she would like to be on the joint recreation committee. Ms. Hubbard asked if that was part of the regular recreation committee. She expressed interest on the committee if there was an open seat on the committee.

Ms. Miller made a motion to close the meeting to the public. Seconded by Mrs. Gardell. All were in favor.

Mayor Crowley asked if any of the Council members had any more questions.

Ms. Gardell asked Mrs. Smith if she had an estimate for 2012. Mrs. Smith stated it is probably going to be a little less because we had two part time staff members up until the middle of this year. Now we are down to one, we expanded her hours a little but she thinks there will be a savings in 2012.

Regarding the improvements that Hardyston had paid for, Ms. Gardell asked if there is a capital improvement plan; if you boiler goes on the system who pays for the new heat. Mrs. Smith informed her that would be the Department of Military Affairs; they would pass it along in our lease agreement. Mrs. Smith said we would only pay a percentage of that because of our utilization.

Ms. Gardell asked if our commitment for the building is maintenance costs not capital costs. Mrs. Smith said correct. Mrs. Smith explained some capital improvements.

Mr. Kulsar said he would like to resurrect this interlocal committee of. As the percentages seem to be increasing for Hardyston, the percentages should be adjusted. Mr. Kulsar stated that Franklin adjusted the 50/50 percentage according to usage on our finance and construction; perhaps we need to look at the percentage of the Littell Center also and adjust it accordingly. Mr. Kulsar said once this interlocal starts to meet we do need to bring Ogdensburg and Hamburg on board. Mr. Kulsar expressed concern of Franklin paying their fair share, no more than that.

Mr. Giordano expressed concern about as the Council and a Tax payer he has no problem paying his fair share for Hardyston and Franklin kids but he doesn't want to be paying for Ogdensburg and Hamburg kids because they are not contributing to the program. Mr. Giordano said it is not fair to Franklin or Hardyston to be supporting their kids in recreation programs with our taxpayer money when people are struggling to pay their taxes as it is.

Mr. Giordano made a motion to renew the contract. Seconded by Ms. Miller.

Mr. Ursin said the motion is not necessary if the Council takes no action tonight then you are sending the message to Hardyston that you intend to renew next year. Mr. Ursin said the document will be drafted; individual terms will still be negotiated and talked about.

Mr. Giordano rescinded his motion. Ms. Miller rescinded her second.

Mayor Crowley asked if anyone wants to make any motion or just leave everything the way it is and we would be continuing with Hardyston for another year.

Not hearing any motions, Mayor Crowley stated Franklin will be with Hardyston another year.

The Council took a break at 8:47 PM.

The Council reconvened at 8:58 PM.

Mayor Crowley stated that the FOP Grievance in the matter of Carl Douma will be carried until the second meeting in September.

Mr. Ursin informed the Council that the FOP Representatives were here to speak about the grievance. In speaking with them two things occurred to him; one is the grievance was going to take a substantial amount of time and the second thing is the FOP raised some arguments that the Council has not heard before. Mr. Ursin said he will prepare a memo and brief the Council prior to the hearing so that the Council can be prepared for the grievance hearing. Mr. Ursin said we are expecting that will be carried to second meeting in September. Mr. Marando who represents Mr. Douma consented and agreed to carry it to that date and will confirm that in writing tomorrow.

### **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 August 9, 2011. Seconded by Mr. Kulsar.

Mr. Giordano questioned some bills on the consent agenda. Mayor Crowley said if you want to discuss them you need to remove them the consent agenda. The two bills that were removed from the consent agenda were Clough, Harbor and Associates, PO # 16456 and Tire King PO# 16530.

Ms. Gardell referred to two items 2 and 4 were incomplete, under correspondence. They were two sides and we weren't copied on all sides. Ms. Gardell also wanted to discuss report number 1 from the construction department.

Mayor Crowley said we will put them on for next month since they were incomplete in your packets.

Mr. Zschack stated his motion reflects the changes. Mr. Ursin said the motion would reflect that correspondence two and four are removed from the list and provided on the next consent agenda. Mr. Ursin said the construction department report is removed that an acceptance item so you will discuss it separately and decide whether to accept it. Mr. Ursin said the bills mentioned are removed from the consent agenda.

Mr. Zschack said that is his motion. Mr. Kulsar agreed to the change in the motion.

### **CORRESPONDENCE** (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Stillwater Township Resolution Supporting the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America to Construct a Veterans Cemetery in Northern New Jersey.
2. Stillwater Township Resolution Supporting the burden of property assessment appeal refunds.
3. Stillwater Township Resolution in support of A-196 By the New Jersey State Assembly.
4. Stillwater Township Resolution Urging Sussex County's Local Legislators to Draft a Bill to Amend the Open Public Records Act.
5. Letter to Mr. Babcock from Jim Kilduff RE: Employment
6. Sandyston Township Resolution for Fair Distribution of State Aid for Education.
7. Township of Fredon Resolution Supporting the burden of property assessment appeal refunds.
8. Sandyston Township Resolution Supporting the burden of property assessment appeal refunds.

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9. Byram Township Resolution Continued Support to Participants in the Consolidated County Operated 911 PSAP.
10. NJ Transit Public Hearing Notice
11. Elizabethtown Gas Public Hearing Notice for Proposed Gas rate increase.
12. NJ DCA- RE: State of CY 2011 Property Tax Bills and Statements of State Aid.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

Construction Department report for June 2011.  
Police Report for June 2011.  
Gas Usage Comparison through June 2011.  
Tax Collectors Report for July 2011.  
Municipal Court Report for June of 2011.  
Zoning Officer Report for July 2011.  
Fire Official's report as of January 2011.  
Corrective Action Plan 2010 submitted by Grant Rome, CFO

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

NJ State Fireman's Association Membership Application for Brian Davis.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of August 09, 2011

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

**COMMITTEE REPORTS**

Ms. Gardell reported that the Board of Public Works didn't have a meeting due to lack of a quorum. Some representatives meet with Franklin Meadows on complaints about the garbage services. Franklin Meadows agreed to make repairs to some of their dumpsters and Blue Diamond will be looking at increasing the amount of containers for recyclables.

Mr. Giordano reported that the recreation meeting has a concert in the park on Friday. The event, Movies in the Park at dark held on Friday was attended by approximately 40 people. The website committee met and has a good handle on the website which will be similar to the Hardyston website. We decided what person was going to be administrating it here and bring it to the Council.

Ms. Miller reported that they started interviewing for the Chief of Police and the second interview will be taken place next week.

Mr. Zschack reported at the last Planning Board meeting they directed the Board Attorney to draft a resolution and all the testimony was finished for the application.

Mr. Kulsar reported that recreation decided on the date for 2012 Franklin Day as Saturday June 30, 2012.

Mr. Ursin informed the Council that the hearing on Transbanc property and Reelcology was postponed to September 2 after that date there will be a clear picture as to how the Judge will resolve the tenancy of Reelcology and the financial issues. Mr. Ursin said Franklin received a law suit for \$1,200.00 in electrical inspection fees from a bankruptcy trustee; the matter will be discussed in closed session tonight.

Mr. Kilduff offered his Administrator's Report which is on file in the Clerk's Office.

The County has advised of a low Bid from International Salt of &54.48/ton for salt. This compares with \$55.66/ton for last year's contract price and \$71.29/ton for 2011-2012 Morris County Co-op Pricing.

Mr. Kilduff stated that the use of Court Attendants in our municipal court offers the opportunity for the Borough to realize significant savings in municipal court operations. Responsibilities for this position include minor court duties and maintaining order during court sessions. At least two court attendants would be required for each court session. In other municipalities, individuals selected for these positions are often retired police officers and prison guards. It is recommended the Borough Council authorize our attorney to draw up a resolution authorizing the hiring of part time Court Attendants, at a rate of \$20 to \$25 per hour.

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Mr. Ursin informed Ms. Gardell that for employment purposes the Borough would supervise the court attendants, however during the court session and relating to court procedures the Judge would direct them.

Mr. Kilduff reported that a request for proposal for contract pricing for supplying electrical has been sent to all third party electrical suppliers for the JCP&L area which will save on the Borough's electrical costs. Proposals are requested by September 15, 2011.

The Borough received an email from the President of the Franklin Revolver and Rifle Association, Inc. advising that, as a result of a lawsuit filed by Sergeant Garrera, range privileges are available to members only. "Any use of FR&R facilities by others, specifically including the Franklin Police Department, cannot be allowed at this time." Lt. McInerney, Officer in Charge, has been advised of this restriction and asked to investigate alternate locations for police use. Hopefully the matter can be resolved.

Mr. Kilduff asked the Council members to advise him if they planned to attend the annual League of Municipalities Conference scheduled for November 15<sup>th</sup> -17<sup>th</sup>.

An incident which occurred on July 11<sup>th</sup> resulted in an Employee Conduct Warning being issued to the Court Administrator. A memo was sent to the employee warning against unacceptable behavior in the workplace. A briefing on this matter was planned for executive session. Instead the employee has exercised her right for this issue to be discussed in public and that is the reason for this public disclosure in the Administrator's report.

Master Street construction plans and specs are almost completed minor revisions are being made; the plans will be forwarded to DOT on Tuesday. It should take about 1 week to get DOT approval to go out to bid. The bid should be awarded at the Sept. 13<sup>th</sup> Council meeting.

The Borough has been receiving resumes for the Public Works Manager position. The deadline has been extended through this week to allow sufficient time for people on vacation to submit their applications. Following review of all applications interviews will be scheduled.

The formal 10 year inspection of the Pond Dam is due for completion in December; the Borough Engineer has indicated that approximately 90 percent of the work has been completed. .

The new sanitary sewer flow meter was installed on Rt. 517 and is collecting infiltration data for use by the Water & Sewer Department. Flow meter studies will help the Borough determine sources of infiltration.

A representative of the new owners of Kulsar's garage on Rt. 23 has met with the Mayor and Administrator. They are expected to prepare a site plan application for commercial retail use. Detailed plans have not yet been provided. The owners are speaking with prospective tenants. This information should dispel all rumors about an Olive Garden.

A bill has been introduced in the New Jersey Senate which eliminates the separate Presidential Primary election for delegates to the national conventions and combines this election with the regular June primaries.

The backup well permit has not been issued by NJFEP. It has been under review for close to 3 months. Mr. Kilduff has asked the Borough Engineer to find out the status of review.

Mr. Kilduff requested an executive session to discuss litigation.

Mayor Crowley stated that there is no Senior Picnic scheduled this year. One of the major reasons is the Fire Department would use the leftovers from their lobster dinner which was cancelled this year. The picnic had been started by Mayor Allen as a reward to volunteers, Borough employees and seniors, over the years it has become a senior picnic. At this point no one has come forward to organize or fund the picnic.

Mayor Crowley asked the Council if they still wanted to continue the tradition of selecting a senior of the year; if so, how would the award be presented.

Mayor Crowley reported that there is a personnel matter that was scheduled to be discussed in Executive Session, the person involved enforced her right to have the matter heard in public session. The two letters are in the Council's packet; there is no action intended to be done.

**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.

Lori Spirito addressed the Council regarding her response to Mr. Kilduff. Mrs. Spirito stated that she has been employed by Franklin Borough for 18 years; and has been through many administrations and administrators. It all the time, she has never had a conduct warning; she prides herself in her ability to run a smooth and efficient Court. Mrs. Spirito stated she would have preferred to have this meeting Executive Session, however her request was denied.

Mrs. Spirito stated that she is confused about the whole issue. According to the Employee Handbook the staff is entitled to two 15 minute breaks per day. She is not aware of any administrative policy that prohibits employees from taking a break together. Several employees were in the break room, which is a private room not open to the public. She stated that she does not take a break if her assistant is not available to cover the office. Mr. Kilduff contends that the phones were not covered; she merely tried to explain to him that everyone was from a different department and she believed all of the other employees had coverage as well. Mrs. Spirito stated that she was not trying to be defiant or argumentative she was merely stating a fact. She has not received any administrative regulations that there is a prohibition against association with coworkers. Mrs. Spirito asked how she could violate a regulation that she has no knowledge of. She stated that she is very disappointed that such an issue had to be brought before the Council.

Mayor Crowley stated that this conduct warning was not given to Mrs. Spirito for taking a break, but for impertinent remarks made to Mr. Kilduff. Mr. Kilduff had indicated to the employees that a number of people taking a break at the same time constituted approximately 40% of the workforce.

Mrs. Spirito interrupted Mayor Crowley and said there should be an administrative rule that says that. Mayor Crowley informed Mrs. Spirito that is not the question on the floor this evening. The issue that was brought up in the conduct warning was the impertinent remark you made to Mr. Kilduff.

Mayor Crowley informed Mrs. Spirito that Mr. Kilduff is her supervisor; the Judge is in charge of the Court and is your supervisor in terms of legal problems and the action of the Court.

JoAnn Tatka 151 Maple Road stated that there has to be something wrong with the sound system because they cannot hear what is being said; especially Ms. Gardell.

Mayor Crowley informed Mrs. Tatka that the Salary Ordinance is usually done at the reorganization meeting.

Mayor Crowley explained that, with the Clerk being out and the fact that the population in Franklin has gone down, in reassessing the duties in that office the Council does not feel that a Deputy Clerk is necessary. The Confidential Secretary will do clerical work for the administrator.

Mayor Crowley informed Mrs. Tatka that it does not make sense for the Administrator to do clerical duties. Since Mr. Kilduff is doing both positions he does not have time to do the clerical work.

Mayor Crowley informed Mrs. Tatka that he has been in touch with the County School Superintendent regarding some Hardyston students have Franklin mailing address. Although erroneous listings were brought up, they would not change the figures. They said in the future they would not include the two students in question.

Wayne Yahm 99 Davis Road questioned his tax bill. Mr. Yahm stated that he has lived in this town 24 years and has gone through two reevaluations. For 23 ½ years his property has been listed 1.49 acres; this year it is listed as 1.51 acres.

Mr. Ursin explained that in preparation for the reevaluation towns typically go through a process where the maps are updated. If have a copy of your survey and provide it to the Tax Assessor's office he is confident that they will make the change. The Council has no authority to make any adjustments to the tax bills.

Mr. Rome informed Mr. Yahm that a few years ago a company digitally surveyed the town and digital tax maps were prepared. At that time the Borough supplied them with the metes and bounds that were setup when Franklin was formed in 1913 by a legislative act. Obviously, the Tax Assessor is the best person to speak with.

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Jeff Hilbert 101 Davis Road stated for the last 10 years his property was 2.195 acres it is now assessed at 2.343 acres and neither of those numbers matches his deed or survey that was done 10 years ago. Mr. Hilbert stated his concern is if larger properties were incorrectly assessed the Borough might be losing tax dollars. Mr. Hilbert will speak with the Tax Assessor about the matter.

Mr. Hilbert stated he was experiencing problems with his garbage pickup; he spoke with Blue Diamond regarding the problem.

Mr. Hilbert informed the Council that he could not agree more to hire a secretary to assist the Administrator because he has called the Borough for the past three months trying to set up an appointment with the Assessor or the Tax Collector; nobody answers the phone at the Borough. Mr. Hilbert called the Administrator and he picks up the phone. Mr. Hilbert told the Administrator that he needs a Secretary; he is the only one that picks up the phone in the building.

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 Ms. Miller. All were in favor.

### OLD BUSINESS

There was no old business for tonight's portion of the meeting.

### NEW BUSINESS

#### Approval of Meeting Minutes

Ms. Miller made motion to approve the meeting minutes of the Regular Meeting held on June 28, 2011 and Executive Session held on July 12, 2011. Seconded by Mr. Zschack.

Ms. Gardell asked for corrections to the minutes; page 6 & 7 should read shared services and on page 9 delete one roll call vote.

Ms. Miller revised her motion to approve the meeting minutes of the Regular Meeting held on June 28, 2011, and Executive Session held on July 12, 2011, with corrections. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

#### Resolution Authorizing Issuance of Bond Anticipation Notes

Ms. Miller made a motion to adopt a resolution authorizing the issuance of Bond Anticipation Notes of the Borough of Franklin, in the County of Sussex, New Jersey not exceeding \$1,240,500. Seconded by Mr. Zschack.

Mr. Rome explained that these are preexisting notes that the Borough has had over the last three or four years; the item on this note was the purchase of an ambulance. The next project was a combination of improving various roads in town and purchase of some Road Department equipment. The other portion of the note was for the purchase of the last fire truck. \$400,000 of this note was towards the Water/Sewer projects, construction of the backup well and part of it is for the I&I Study. Mr. Rome is making at least a 10% payment so that the notes will be paid off within the 10 year period that is allowed by Statute.

Upon roll call vote: Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

#### Resolution to Extend Grace Period for Mailing Tax Bills

Ms. Miller made a motion to adopt a Resolution authorizing the Tax Collector to extend the grace period for mailing the tax bills to the owners of record until August 5, 2011. The Tax Collector recommends that interest not be charged for the August 1, 2011 tax quarter until 25 days after the mailing which said due date will be August 30, 2011. Seconded by Mr. Giordano. Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

#### Resolution Supporting the Construction of a Veterans Cemetery in Northern New Jersey

Ms. Miller made a motion to adopt a Resolution entitled, "Resolution in Support of the Endeavor by the Wallkill Valley Chapter 1002 of the Vietnam Veterans of America Effort to Construct a Veterans Cemetery in Northern New Jersey". Seconded by Mrs. Gardell.

Upon roll call vote:

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

Discussion for The New Franklin Pond Recreation Building and Associated Costs.

Mayor Crowley stated that the Council received a copy of the Engineers report with his estimates of the costs. There was a discussion on the costs of the project.

Resolution Authorizing Submission of an Application for the Franklin/Hardyston Alliance Coalition Municipal Alliance Grant for 2012 in the amount of \$12,474.00

Mr. Zschack made a motion to adopt a Resolution Authorizing Submission of an Application for the Franklin/Hardyston Alliance Coalition Municipal Alliance Grant for 2012 in the amount of \$12,474.00. Seconded by Mrs. Gardell.

Upon roll call vote: Ayes: Gardell, Giordano, Kulsar, Miller, Zschack  
Nays: None Absent: Snyder Abstentions: None

Resolution Part-Time Confidential Secretary

Mr. Zschack made a motion to authorize the Borough Administrator to hire a part-time confidential secretary to the Borough Administrator and Director of Community Development for up to 30 hours per week at a salary of up to \$15 per hour as recommended by the Personnel Committee. Seconded by Ms. Miller.

Upon roll call vote:  
Ayes: Giordano, Miller, Zschack  
Nays: Gardell, Kulsar Absent: Snyder Abstentions: None

Approve Website Maintenance Payment

Mr. Zschack made a motion to approve \$1,000 annual payment to Robin Hough for maintenance of the Franklin Borough Website, prorated effective June 1, 2011. Seconded by Mr. Giordano.

Upon roll call vote:  
Ayes: Giordano, Miller, Zschack  
Nays: Gardell, Kulsar Absent: Snyder Abstentions: None

Introduction Ordinance #9-2011 Eliminating Deputy Clerk Position

Mr. Zschack made a motion to introduce Ordinance #9-2011, entitled "AN ORDINANCE DELETING SECTION 5-18 AND 5-19 OF THE CODE OF THE BOROUGH OF FRANKLIN ELIMINATING THE POSITION OF DEPUTY CLERK ". Seconded by Mr. Giordano.

**PUBLIC HEARING TO BE HELD ON SEPTEMBER 13, 2011**

Upon roll call vote:  
Ayes: Gardell, Giordano, Miller, Zschack  
Nays: Kulsar Absent: Snyder Abstentions: None

Resolution Requiring Elected Officials Training Courses and Meeting Attendance Requirements

Mr. Zschack made a motion to adopt a Resolution requiring all elected officials to: a. participate in basic training courses on the responsibilities and obligations of local government. The Borough shall comply with N.J.S.A. 40a:9-12-1 which declares a vacancy when unexcused absences exceed (8) weeks or four (4) regular meetings. Seconded by Ms. Miller.

Mr. Kilduff explained the reason for the Resolution is to improve the Borough's score on the Best Practice check list.

Upon roll call vote:  
Ayes: Giordano, Kulsar, Miller, Zschack  
Nays: Gardell Absent: Snyder Abstentions: None

Consent Agenda Invoices

Mr. Kilduff informed Mr. Giordano that this was the final billing from Clough Harbour (PO #16456); all of the miscellaneous expenses have been removed.

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Regarding PO #16530 Mr. Giordano stated that he have a problem with Franklin taking vehicles to Tire King in Sussex when there is a capable shop that in town that is going to charge a similar or lesser price for tires.

Mayor Crowley informed Mr. Giordano that you cannot pick a vendor just because they are in the Borough. However Mayor Crowley will have Mr. VandenBroeck look into the matter.

Mr. Giordano made a motion to approve invoice # 16456 and #16530. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

Ms. Gardell discussed the Construction Report. There is \$6,257 in waived fees; she is curious as to the reason. Mr. Kulsar stated that generally when they are waived it is because it is for an entity within the Borough, School or Fire Department.

Mr. Kilduff informed Ms. Gardell that he has already put in for reimbursement from the school for repair work the Borough did in the school parking lot

Mayor Crowley said the fire department has asked for the use of the town car for two of the firemen to attend school. Since they are not Borough employees, Mr. Kilduff will need to check with the Insurance Company.

**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 litigation. Motion seconded by Ms. Miller  
Upon Roll Call Vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: Snyder Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 11:02 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS:**

Mr. Kulsar informed the Council that Fredon Township recently went to the State for construction and Andover Township is looking at doing the same this month. The State Construction office is supplying towns with Construction Officials for just the price of the permits. The municipality only needs to supply a desk; the State supplies the secretary and an inspector. Perhaps Franklin can monitor how it is working in those towns and if any other towns are doing it. Mr. Kulsar stated that the Borough could save \$90,000 next year.

Mayor Crowley stated that we would look into the matter.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 11:05 p.m., seconded by Ms. Miller.  
All were in favor.

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Paul B. Crowley, Mayor

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Rachel Heath, Acting Clerk