

**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
SEPTEMBER 27, 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. 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."

Mayor Crowley stated the Mr. Gunderman was unable to attend the meeting this evening; the presentation will be carried to the next meeting.

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 September 27, 2011. Seconded by Mr. Giordano.

Mr. Snyder questioned why there were not any signatures on the applications for the Municipal Buildings. Mayor Crowley said that the application is for the Boy Scouts and we can get signatures.

Mr. Snyder asked about the solicitor's application that had no signature. Mrs. Heath said there are signatures, the parts of the application that had social security numbers and driver license numbers were not copied. The permit was approved by the OCS McInerney and the Zoning Officer. Mayor Crowley stated the signature is on file.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. NJLM RE: Proposed 2012 Membership Dues.
2. Borough of Hamburg RE: Resolution Joining the National Moment of Remembrance of the 10th Anniversary of September 11th.
3. Jim Kilduff RE: Viaduct Bridge Replacement project.
4. Sandyston Township RE: Resolution Opposing S-2795 & A-3835, Concerning Enforcement Responsibility of State Housing Code Under the Hotel and Multiple Dwelling Law.
5. Jim Kilduff RE: Acting Clerk Position.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report of Receipts and Disbursements for August 2011.
2. Construction Permit Activity Report for August 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of the Senior Citizen Center - Franklin Boy Scout Troop 90 - October 2, 2011 1:00pm – 3:00pm.
2. Alan Dragunoff Peddlers License for October 1, 2011 County Firemen's Parade

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 27, 2011.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar reported there was a recreation meeting on September 28, 2011.

Mr. Zschack had nothing to report at this time.

Ms. Miller requested executive session to discuss personnel.

Mr. Snyder had no report.

Mr. Giordano reported there is a recreation meeting tomorrow. Mr. Giordano encouraged people to attend the meeting. A discussion will be held regarding the possibility of getting a lighted sign for the pond.

Mrs. Gardell reported that the Board of Public Works met last week. The Board heard an application from the Four Winds for a reduction of EDU based upon their actual use of the building. Mrs. Gardell said that application has been recommended to the Council so that will be seen in the future.

Mr. Kilduff offered the Administrator's report which is on file in the clerk's office.

The Master Street bid opening is scheduled for October 20 at 11:00 AM at Franklin Borough.

The deadline has passed for proposal from 3rd party electrical suppliers. Only one respondent, Viridian Energy of Norwalk, CT supplied a proposal. Viridian offers consolidated billing for all distribution and supply related charges and proposes average monthly savings of \$939 or \$11,267 per year. There is no defined length of contract. Customers may voluntarily enroll or cancel their contracts at any time. A meeting to setup this program is to be held shortly.

The Tax Assessor has provided a proposal for outside assessment services in connection with litigation. Retention of a professional for litigation matters will provide the Borough with the means of defending and aggressively pursuing resolution of tax appeals. The assessor suggested the Borough put aside approximately \$30,000 to cover the appeals. Mr. Kilduff spoke with the CFO on this matter; he suggested an Emergency Appropriation and that the Borough ask for a larger amount of money, to avoid going back for more Emergency Appropriations.

Tomorrow there will be a tax sale for Franklin & Hardyston at 10AM in Borough Hall. It is his understanding that there is a larger than usual number of sales for both Franklin and Hardyston Township.

The Administrator has been reviewing insurance underwriters and will make a recommendation at the next Council meeting.

By mutual agreement of attorneys for both sides, the hearing on the F.O.P. Carl Douma Grievance has been rescheduled for October 11th.

A memo on the viaduct bridge has been sent to all council members. A recent meeting with County officials resulted in the Borough being advised that the dual bridge replacement project for the viaduct is no longer feasible. Tropical Storm Irene and lack of funding have caused the secondary, Susquehanna Street Bridge to be pulled from the project. With only the main bridge to be constructed, consequences for the Borough are significant. The current bridge will be closed at the start of construction, now projected for mid 2012. There will be no crossing for eight months to a year. Susquehanna Street residents must use Junction Street exclusively, in perpetuity.

The joint meeting to discuss recreation and the Littell Center with Hardyston, Hamburg, Ogdensburg and Franklin is tentatively scheduled for October 20th at 7PM.

An executive session is requested for contracts for personnel.

Mayor Crowley reported from a Mayor's report from the State League of Municipalities there is an anti-snow dumping act that was passed that commercial snow plow operator or snow removal equipment are no longer to deposit snow on any public roads or highway in this State and gives fines will be imposed.

Mayor Crowley reminded everyone about the County Fireman's Parade on Saturday; and congratulated the Franklin Fire Department on their 100th Year Anniversary.

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Mayor Crowley stated the Board of Public Works is recommending to the Council that EDU's be reduced; this will come before the Council. Mayor Crowley stated that the Council should start taking more of an interest in how we bill for EDU's and what is the proper way to do it and reduce it. Mayor Crowley stated if we reduce commercial accounts, keep in mind that our bill from SCUMA doesn't change. Therefore, if we reduce commercial accounts the difference is made up on the residential accounts either through taxes or higher rates.

Mayor Crowley announced that the Senior Picnic is scheduled for October 8; the FOP, Franklin Exempt Association and the Franklin Fire Department have come forward to host the picnic. The senior of the year will be announced at the picnic

Mayor Crowley announced that he received a verbal resignation from Ron Maugeri who had to relocate his residence. Mr. Maugeri has been active in Franklin for years. He was a member of the Planning Board, past member of the Council and very active in boy scouts over the years.

Mr. Zschack made a motion to accept, with regret, Mr. Ron Maugeri's verbal resignation from the Planning Board. Seconded by Ms. Miller.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

There was a brief discussion on volunteers needed for various Franklin Boards.

Mayor Crowley announced October as Breast Cancer awareness month. Pink ribbons will be placed around town by the Girl Scouts.

Mayor Crowley reported they are exploring the idea of getting a piece of the Twin Towers from New York to be used as a memorial. Mayor Crowley stated they were in touch with the people in New York, they do have some pieces left. If Franklin gets a piece it would not be a huge high beam it would be a small piece. Mayor Crowley explained the conditions if we get a piece of the Twin Towers.

OPEN PUBLIC SESSION

Ms. Miller 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.

Fred Babcock, 75 High Street, Chief of the Fire Department, stepped forward. Mr. Babcock is concerned with the lease proposed for the Fire Department and Fire House Property. Mr. Babcock said these guys have done tremendous stuff for this town, we are the back bone of this town.

Mayor Crowley explained the Borough Attorney is working on the lease agreement with the Fire Department's attorney and he doesn't foresee any problems.

Mike Coppella, 79 High Street, gave a history of the park, a lot of work went into the park, it was a hole in the ground. Mr. Coppella stated that the Franklin Fire Department built every single park in Franklin.

Jack Stoll, 46 Mabie Street, stated that the Fire Department was built in the early sixty's; the guys would go down at night and weekends and all the brick came from the Zinc Company. Mr. Stoll gave additional history on the parks in Franklin that volunteers worked on over the years. Mr. Stoll said he can't see why the Fire Department can't have a 50 year lease. Mr. Stoll said State Statue mandates the the Borough have a Fire Department. Mr. Stoll said everything in this town was done with the Fire Department and volunteers.

Brenda Gunderman, 36 Nestor Street, stated she lives on the corner of Cummins Street and Nestor Street, she is concerned about the sharp corner and the number of accidents on that corner.

Kathy Limon, 26 Cummins Street stated that her house is on the corner and she is 100 percent against her street becoming a one way street. Mrs. Limon explained reasons why she was against Cummins Street becoming a one way street.

Pamela Hence, 16 Green Street, voiced her concerns regarding the intersection of 23 and Green Street and the number of accidents at this intersection.

Joann Tatka, 151 Maple Road stated she doesn't even know why you had to give the Fire Department a limited lease, they should have a lease for life time. Mrs. Tatka inquired why the Deputy Clerk position was eliminated. Mayor Crowley explained the reasons for eliminating this position. Mrs. Tatka asked about the position of Confidential Secretary. Mayor Crowley explained the Confidential Secretary position. Mrs. Tatka cautioned the use of third party electric.

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 meeting.

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 September 13, 2011. Seconded by Mr. Zschack. (Absent: Kulsar)

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds

Ms. Miller made a motion to approve the Resolution Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Scott Road.

Ms. Miller made a motion to approve the Resolution for approval to submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Scott Road. Seconded by Mr. Zschack.

Mayor Crowley stated that this year the Council asked Mr. Knutelsky, as the engineer, to pick the areas he felt fit in the DOT Grant Application process that were most in need of these grants.

Mayor Crowley asked Mr. Knutelsky to explain why he chose Scott Road and North Rutherford Avenue. Mr. Knutelsky explained to the Council and public the reasons and process used to select Scott Road and North Rutherford Avenue for the road improvements.

Mr. Knutelsky stated, although the Borough can request any amount of funding, \$150,000 is a good number that DOT actually gives for projects. Whatever costs are above and beyond the grant amount is what the Borough would have to contribute for the construction. Obviously the Borough would not have to contribute anything if the bids come in for the amount of the grant.

Mr. Knutelsky informed the Council that there are several DOT grants with different classifications than can be applied for.

Mr. Kilduff stated that it would be beneficial if the Borough had a Capital Improvement Plan for roads that need work (that the Borough would fund); as a subset of that plan the roads which the Borough thinks the DOT would approve for milling and paving type projects would be helpful.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for North Rutherford Avenue Improvements.

Ms. Miller made a motion to approve the Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for North Rutherford Avenue Improvements; seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Traffic Survey for Cummins/Nestor Street

At this time a discussion was held regarding the Traffic Survey for Cummins/Nestor Street submitted by Patrolman Geddis.

Mayor Crowley stated that for safety reasons it has been suggested that Cummins Street be made a one-way. Mayor Crowley has spoken to several residents from Cummins Street who are adamantly opposed to it being a one-way. He has also spoken to other residents who like the idea of Cummins Street becoming a one-way.

The very thorough traffic survey prepared by Patrolman Geddis, and approved by the Chief of Police states that the Police Department does not feel there is any speeding problem on Cummins Street.

Mayor Crowley stated, if the Council wished to go forward with making Cummins Street a one-way, the next step would be to do an engineering report doing traffic flow patterns, etc; which would be a cost of approximately \$3,000. If the Council then considers the change it would be necessary to notify all of the residents within 200 ft. of the project which is all of Nestor Street, LaRue and Cummins Street.

Mr. Giordano suggested a stop sign be put on top of the hill where the road doglegs.

Following a discussion; the Council did not feel it would be a good idea to put a stop sign on the side of the road where there is no intersections.

Ms. Miller referred to the accident report, there has been two accidents there since 2005 and none of them had to do anything with speeding. Ms. Gardell said it was interesting there were both between 7:30 and 8:00 in the morning. This has always been her concern because that is when everyone is walking to school. Mr. Kulsar said he doesn't see that a one way would solve the problem. Mr. Snyder said he doesn't either. Ms. Miller said you could lower the speed limit.

Mayor Crowley asked if the Council would like him to go back to the Police Department and recommend they consider lowering the speed limit. There was a discussion on lowering the speed limit.

Mr. Knutelsky said the point was already made that people aren't speeding on the road. He stated that it is a bad blind turn; he feels the parking on the one corner is making people venture further out into the road. Mr. Knutelsky he is not sure if parking needs to be addressed there as well. Mr. Knutelsky said one thing to consider with residences, home and residential development is the residential site improvements standards {RSIS}. Mr. Knutelsky said according to RSIS you would need a 20 foot wide travel way for that, we are dealing with 25 feet. Mr. Knutelsky said the road is wide enough in the area according to RSIS, if there is a way to increase sight distance there, maybe some vegetation needs to be trimmed out of the right of way. Mr. Knutelsky suggested a double yellow line would help but reducing the speed limit would definitely be an advantage on the road. Mr. Knutelsky said he doesn't see the width of the road being a problem for two way traffic.

Mayor Crowley stated the Council will go back to the police and see if reducing the speed limit would be in their estimation a good way to proceed. Mayor Crowley stated, at this point, the Council does not want to incur the expense of a further traffic study.

Route 23 and Green Street

At this time a discussion was held regarding the letter to Mrs. Hentz from NJ Department of Transportation regarding the intersention of Route 23 and Green Street.

Mayor Crowley stated there are many of accidents at Green Street with vehicles coming down 23; this was brought to the attention of DOT by letters written by the Chief of Police, Patrolman Geddis and residences. Mayor Crowley explained some of the improvements for the intersection that the DOT is considering which include guardrails and the possibility of reducing the speed limit. Mr. Knutelsky explained the costs involved in putting a traffic light at that intersection.

EXECUTIVE SESSION

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

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:31 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Snyder inquired about the missing "Welcome to Franklin" sign on Route 23. Mayor Crowley informed Mr. Snyder that that sign is being refurbished as well as the sign on the north side.

Mr. Snyder voiced his concerns regarding the detour route when the repairs are done to the North Church Viaduct Bridge.

Mayor Crowley stated that the County is going to evaluate the bridge by the Biscak property on Maple Road for a possible detour when the viaduct bridge is under construction.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 9:45 p.m., seconded by Ms. Miller
All were in favor.

Paul B. Crowley, Mayor

Rachel Heath, Acting Clerk