

**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
October 25, 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, Ms. Miller, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar

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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

Mr. Zschack made a motion to approve the consent agenda of, 2011. Seconded by Mr. Snyder.

Ms. Gardell asked that Voucher #35856 and Resolution #2 be removed for clarification.

Mr. Zschack revised his motion to reflect the changes; seconded by Mr. Snyder.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. 2011 NJ State Certification of the Table of Equalized Valuations.
2. Letter of resignation from Leigh Franzino effective November 30, 2011.
3. Email dated October 19, 2011 from Dawn Inglis regarding responsibility of sidewalk repairs.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report for September 2011.
2. Tax Collector's Report for September 2011.
3. Tax Collector's Report for Hardyston for September 2011.
4. Police Department Report for September 2011.
5. Municipal Court Report of Receipts & Disbursements for September 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 25, 2011.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar, Abstentions: None

COMMITTEE REPORTS

Ms. Gardell had nothing to report for Public Works.

Mr. Giordano reported that the Halloween Parade is this Saturday at 1 PM starting at the Firehouse.

Mr. Snyder had no report.

Ms. Miller requested an Executive Session to discuss contracts and personnel.

Mr. Zschack reported that at the last Planning Board Meeting Group V Development, which is the Wal-Mart application, was carried to the next meeting. One of the concerns is a situation between the land owner and Wal-Mart. Group V Development will be attending the next regular scheduled Planning Board Meeting.

Mr. Ursin reported there was a hearing last Thursday on the Trans Banc case; the judge heard the arguments and Mr. Ursin is waiting for a decision from the judge.

Mr. Kilduff offered the following Administrator's report which is on file in the Clerk's Office.

Borough Sites and Street Issues

Bid opening for the Master Street paving and sidewalk project was conducted on October 20th. Three bids were submitted: Midwest Construction, \$155,000; Tony's Construction, \$155,323; and Topline, with a high bid of \$177,723.99. The award of contract is on tonight's agenda.

The Sussex County Municipal Utilities Authority is holding a household hazardous waste event on Saturday, November 4th. Residents may bring household hazardous waste material to the SCMUA for proper disposal. For questions regarding the event, residents may call: 973 579-6998, Ext. 107. Online search: www.SCMUA.org

Correspondence has been received from SCMUA indicating that they will be proposing rate increases FY2012. A rate hearing has been scheduled for Wednesday, November 23, 2011 at 4:30PM at the SCMUA Administrative Building on Rt. 94 in Lafayette.

Financial Controls/Legal Issues

Following the announcement of the CFO's resignation, Hardyston Township has informed the Borough of its intent to discontinue the shared service agreement for Finance. Hardyston reasoned, since the Borough is temporarily without a CFO, we cannot fulfill the terms of our contract. The Borough has also been informed the finance clerk will be leaving her position at Franklin to go to Hardyston. The Hardyston Township Manager has promised cooperation in making a smooth transition. Financial details are to be worked out.

I have been advised there is no current plan to terminate the shared service agreement with Hardyston Township for tax collection. Quarterly tax collections will begin next week.

Operational/Personnel Matters

The Acting State Registrar has sent confirmation of the appointment of Robin Hough as Borough Registrar.

Recent events have left open several statutorily mandated positions in the Borough. Searches are underway for CFO and a temporary acting Clerk.

Miscellaneous

Mayor Crowley, Council members Giordano and Kulsar and the Administrator met with representatives of Hardyston Township and Hamburg to discuss a "Wallkill Valley" regional approach to sport participation. Ogdensburg was not present. Discussions focused on the cooperative and collaborative use of playing fields amongst all towns and sharing of the Littell Center costs. Increasing participation costs, particularly for outsiders was one of the ideas for the Littell Center. Adjusting the percentages for group participation would also help reimburse the costs for the 49% that are non residents of Franklin or Hardyston can use the Littell Center when

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participating in a group with Franklin/Hardyston residents. A follow up meeting is planned for November.

Mayor Crowley reminded the public of the Hazardous Waste disposal scheduled for November 5th; flyers are available in the back of the room.

Mayor Crowley informed the public that the Halloween Parade will start at Main and Rutherford and end up at the firehouse.

Mrs. Heath informed the Council that Franklin/Hardyston is sponsoring a free Rabies Clinic for dogs and cats on Saturday November 5, 2011 from 1 to 3 pm at the Borough Garage.

Mr. Snyder asked if there was anything the Borough could do regarding getting an explanation as to the status of the back-up well permit.

Mr. Kilduff informed Mr. Snyder that he has spoken with the Borough Engineer this week and asked him call DEP; probably what will happen is NJDEP will ask for more time to review the permit.

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 Ms. Miller. All were in favor.

Jo Ann Tatka 151 Maple Road commented that Mr. Kilduff is going to be busy with all of the people leaving their jobs and having to be replaced, and wished him well.

Mrs. Tatka stated she would like to make a comment on Mr. Douma. Mrs. Tatka stated that Mr. Douma got paid for his holidays twice; he received the pay in his disability check and then he received a lump sum from the Borough. Mrs. Tatka stated it is her understanding that hearsay has nothing to do with a case; you just present your facts not what happened to someone else.

Regarding Group V Development dispute, the Borough had better make a decision soon since he has been getting a farm assessment on that property all these years.

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

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 11, 2011 (Absent: None). Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar, Abstentions: None

Appointment of Crossing Guard

Mr. Snyder made a motion to approve the appointment of Cathy Martinez for the position of substitute crossing guard at the current rate of \$13.15 per hour as recommended by Darlene Tremont. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar, Abstentions: None

Master Street Construction Contract

Mr. Kilduff reported that the bid opening for the repaving of Master Street and related improvements was held on October 20th. There were three bids submitted for the project. The low bid was Midwest Construction at \$155,000. The second bid was from Tony's Construction in the amount of \$155,323. The high bid was from Top Line in the amount of \$177,723.99.

A certification of available funds has been submitted by the CFO for this project.

Mr. Ursin stated that he had somewhat of an extensive conversation with the Engineer and Mr. Kilduff regarding the bids. The lowest bid had some clerical irregularities but, in the end, it is the joint recommendation of the Engineer and himself that the irregularities did not affect the bid. The Engineer not only checked references but checked open contracts and recently completed contracts with other municipalities and received favorable feedback. It is the joint recommendation of the Engineer and Mr. Ursin that the contract be awarded to the lowest bidder.

Mr. Snyder made a motion to award the Master Street Repaving and Related Improvements to Mid West Construction in the amount of \$155,000 as recommended by the Borough Attorney and Engineer. Seconded by Ms. Miller.

Mr. Kilduff informed Ms. Gardell that the Borough Engineer with inform Mid West Construction that they have been awarded the contract. A preconstruction meeting will be scheduled and hopefully the project can be done before the end of the year.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder

Nays: Zschack Absent: Kulsar, Abstentions: None

Invoice #358556

Ms. Gardell stated that this invoice was a vouch request for an employee who is asking for a stipend on cell phones and she did not think the Borough does not allow this in the Employee Manual.

Mr. Kilduff explained that the employee has been receiving the cell phone stipend for the last ten years. Mr. Kilduff explained that the individual employee is on call 24/7 for the Police Department. It is actually less expensive for the Borough to have a stipend for the phone then actually buying an additional phone.

Ms. Gardell feels this is a conflict, since other employees get business calls on their personal phones the cell phone policy should be changed.

Mrs. Heath informed Ms. Gardell that when the cell phone policy was instituted, the employees that use their personal phones for Borough business have exclusions; and a signed certification to this effect is in their personnel file.

Ms. Gardell made a motion to pay Invoice #358556 in the amount of \$63.60. Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Gardell, Miller, Snyder, Zschack

Nays: Giordano Absent: Kulsar, Abstentions: None

Resolution to Cancel Outstanding Checks

Ms. Gardell addressed the Resolution from the Court Administrator to cancel outstanding checks; there is no mention as to how old the checks are. Ms. Gardell is concerned that the people who received these checks may not have been able to go to the bank, cancelling the checks will create a problem.

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Ms. Zschack made a motion to approve the Municipal's Courts Resolution to cancel certain outstanding check balances. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Giordano, Miller, Snyder, Zschack

Nays: Gardell Absent: Kulsar, Abstentions: None

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 contracts and personnel matters. Motion seconded by Mr. Giordano.

Mayor Crowley informed the public that there was a possibility that formal action may be taken after the Executive Session.

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 9:11 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Ms. Miller asked if it was necessary to have a recording secretary at the cost to the Borough at Rent Leveling Board Meetings as well and the Board of Public Works Meetings.

Mayor Crowley informed Ms. Miller that since they are open public meetings it is necessary to have official minutes.

Mayor Crowley reported that in the past Board of Public Works was a legal Board that set rates. Since the Board only makes recommendations to the Council, there has been discussion with regard to the Board of Public Works becoming a Committee.

Mayor Crowley also stated that since the County took over the Health Services many of the towns have abolished their local boards. Since the Board of Health does incur a certain amount of costs; there has been a question on whether the Franklin Board of Health should be abolished.

Ms. Gardell stated that she has never seen monthly reports from the County Board of Health.

Mrs. Heath will forward the reports to Ms. Gardell. Mrs. Heath also informed the Council that all of the County Board of Health inspections are on line.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:15 p.m.; seconded by Ms. Miller
All were in favor.

Paul B. Crowley, Mayor

Rachel Heath Acting Borough Clerk