

**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
November 8, 2011**

Council President Miller 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 and Mr. Snyder.

Absent: Mayor Crowley, Mr. Zschack

Council President Miller led the assembly in the flag salute.

Council President Miller 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

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

Mr. Snyder made a motion to approve the consent agenda of November 8, 2011.

Mr. Giordano said he would like to have one PO taken off the consent agenda. Mr. Giordano said the check number is #35891 in the amount of \$5239.74. Mr. Kilduff asked if that could be carried until the next meeting. Mr. Giordano said yes.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 11, 2011 to Mayor Crowley from Glenn A. Grant, J.A.D. Acting Administrative Director of the Courts, RE: Municipal Courts-Implementation of the Working Group Report on the Professionalism and Qualifications of Municipal Court Directors, Administrators, and Deputy Administrators.
2. Mayors Advisory dated October 25, 2011 from William G. Dressel, Jr. Executive Director New Jersey State League of Municipalities Re: New AOC rules regarding municipal administrator vacancies.
3. Letter dated October 25, 2011 to Honorable Mayor and Council from Thomas M. Ferry, CPA Registered Municipal Accountant, Ferraioli, Wielkocz, Cerullo & Cuva P.A.
4. Letter dated October 25, 2011 to Grant (Sam) Rome, from James C. Kilduff, Administrator Re: Resignation of Employment.
5. Letter dated October 26, 2011 to Scott Holzhauer, Tax Assessor from Michael C. Gaus, Esq. Lucas & Gaus Re: Farmland Assessment Application.
6. Letter dated November 1, 2011 to Fred Babcock and Steve Heller from Mayor Paul B. Crowley Re: Appreciation for a Job Well Done.
7. Letter dated November 3, 2011 to Monica Miebach from James C. Kilduff, Administrator Re: Employment with Franklin Borough.
8. Stillwater Township Resolution 2011-68, Adopting Sussex County, New Jersey All-Hazards Pre-Disaster Mitigation Plan.
9. NJ Transit Public Hearing Notice from James Weinstein, Executive Director, New Jersey Transit Corporation.
10. Letter dated October 31, 2011 to Mrs. Maria Garrera from James C. Kilduff, Administrator Re: Estate of Frank Garrera.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Building Department Report for October 2011.
2. COH Report for October 2011.
3. Fire Marshal/Fire Coordinator activity report of October 2011.

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APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 8, 2011.
2. 2011 Budget Appropriation Transfers.

Mr. Snyder made a motion to approve the consent agenda of November 8, 2011, minus one PO #35891 in the amount of \$5,239.74. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

COMMITTEE REPORTS

Mrs. Gardell reported there was a Board of Public works meeting scheduled for Thursday. Mr. Kilduff stated that the meeting will be canceled or postponed.

Mr. Giordano reported Recreation is proposing a free standing sign that is a discussion item on tonight's agenda.

Mr. Snyder had no report.

Mr. Kulsar reported there will be a joint recreation meeting with Hardyston on November 30, 2011.

Mr. Kilduff reported there were massive outages as a result of the snow storm. There was damage throughout the town. Some residents were without power for a week; to his knowledge all power has been restored. The Borough is assisting residents with brush clean up; the brush should be dragged to the curb for curbside pickup. The road crew will get to picking up the brush; they are picking up the brush in sections to make the rounds throughout the Borough. Please be patient as the Borough works to address this.

Mr. Kilduff informed the Council Harold Pellow & Associates has sent out a contract to Midwest Construction (the low bidder) for Master Street paving and sidewalk project. The NJDOT has approved the awarding of the contract. Our Engineer will be arranging a pre-construction meeting with the contractor with the intent to install curbing and sidewalk as soon as possible and paving to be completed depending upon weather conditions either now before the winter sets in or in early April.

Mr. Kilduff reported the Board of Health sponsored a rabies clinic for dogs and cats on Saturday November 5th, at the Borough Garage. A total of 154 pets were inoculated, 54 cats and 100 dogs.

Mr. Kilduff informed the Council the new CFO will be starting on Tuesday November 15th and we are looking into some other possibilities of other shared service agreements with our CFO.

Mr. Kilduff reported the New Jersey State Supreme Court has adopted new rules. As a result of these new rules the Supreme Court has given more authority to the local Judge to be involved in the hiring of Court personnel. The New Jersey League of Municipalities and your administrator take great exception to that.

Mr. Kilduff reported the Borough is reviewing resumes for part time secretary help. Ms. Franzino has moved up her last day to November 10th.

Mr. Kilduff reported the Zoning Board approved a conditional use variance and site plan application for CM Franklin LLC. They are the owners of the old Kulsar's

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garage; the project is for retail stores in the existing building and a new 2800 sq foot drive thru building. That use has not yet been named.

Mr. Kilduff informed the Council he has been attempting to contact NJDEP section chief regarding the status of the Borough's water allocation permit.

Mr. Kilduff's complete Administrators report is on file in the Clerks office.

Mr. Ursin reported on the hearing for the Transbanc case. The Borough is still waiting for the Judge's decision on that case.

Mr. Ursin reported the Council will be issued a decision on the Douma grievance shortly; we are still researching internally some of the history that would be relevant to that decision. Mr. Ursin has requested an extension from the other attorney which he expects to be granted.

Mr. Ursin reported they had prioritized the half dozen largest tax appeals that the town faces on the commercial side and is pleased to report since the last meeting it looks like we have settled the Wal-Mart tax appeal in terms that he feels are favorable to the Borough. Mr. Ursin said he will have numbers for the Council probably at the next meeting but he believes the settlement has been agreed to and it is just a matter of executing the paper work. Mr. Ursin said we are close on two out of the next three or four largest tax appeals facing the town. Mr. Ursin said hopefully he will be able to report something favorable with respect to them at the next meeting.

OPEN PUBLIC SESSION

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Ms. Gardell. All were in favor.

Donna Mullen, 86 Sterling Street, Franklin, stepped forward. Ms. Mullen asked what the town did on their behalf when Sterling Street was without electric due to the snow storm. Ms. Mullen was upset because of the outages. Ms. Mullen was concerned about the children on Halloween.

Victoria Adrian, 88 Scott Road, Franklin, stepped forward. Ms. Adrian is concerned about being without electric for so long after the snow storm.

Karen Folkert, 113 Main Street, Franklin, stepped forward. Ms. Folkert is concerned about the power outages. Ms. Folkert asked the cost of painting the new police car and why the car was painted. Council President Miller explained the reason why the car was repainted. Ms. Folkerts gave her opinion on painting the police car. Ms. Folkerts asked about yearly inspections for apartments.

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

OLD BUSINESS

Mrs. Gardell stated there was a discussion last time regarding areas, properties changing and the tax records; there were a couple people from the public that came forward a few months ago. Mrs. Gardell said in talking with the Assessor; some of the reasons had to do with digitalization of tax maps and some things that happened in the conversions since the reappraisal.

Mrs. Gardell said it was on the State website that there is a model ordinance out there that would help address this in the future. It is also tied to Land Use applications that would require digital submission of approved site plans, subdivisions; things that have to go into the tax maps to be provided to the municipality. Mrs. Gardell asked if there was an interest in pursuing this. Mrs. Gardell said this would eliminate errors.

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Mr. Kilduff said we are getting close to the end where the new digital maps will be adopted.

Mrs. Gardell said it is not changing anything it would incorporate anything new going forward. Mrs. Gardell explained how this ordinance would help in the future.

Mr. Kilduff said we have a tax map maintenance fee ordinance in place now so that when applicants do subdivisions they have to pay a fee. This goes to our mapping company to make those changes; this sounds like an extension to that.

NEW BUSINESS

Approval of NJ State Firemen's Association Membership Application

Mr. Giordano made a motion to approve the application for membership of Michael A. Cole, 110 Davis Road, Franklin to the Franklin Fire Department as recommended by Fred Babcock, Franklin Fire Department Chief. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller

Nays: None Absent: Zschack Abstentions: Abstain

Approval of Meeting Minutes

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 25, 2011. (Absent: Kulsar) Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder

Nays: None Absent: Zschack Abstentions: Kulsar

Mr. Giordano made a motion to approve the meeting minutes of the Special Meeting held on November 1, 2011. (Absent: Zschack) Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

Resolution to Join (Renew the Statewide Insurance Fund)

Mr. Giordano made a motion to join (Renew the Statewide Insurance Fund) with effective dates from January 1, 2012 and terminating on January 1, 2015. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

Statewide Insurance Fund Indemnity & Trust

Mr. Giordano made a motion to approve the Statewide Insurance Fund Indemnity and Trust Agreement for Franklin's continuing membership until January 1, 2015. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

Risk Management Consultant's Agreement

Mr. Giordano made a motion to approve the Risk Management Consultant's Agreement for the 2012 Statewide Insurance Fund for Dietz & Hammer. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

Recreation Sign

At this time a discussion was held regarding a free standing sign that the Recreation Committee is proposing. A possible location of the sign would be opposite Buckweat Road or on the corner of corner of Corkhill Road and the Franklin Pond area. There was a discussion on the recreation area and signs at the Pond.

Mr. Kulsar stated recreation is looking to put up an announcement board so upcoming events can be posted on the board. Before the recreation committee spends a lot of time and research on this they wanted the Councils opinion. There was a discussion on this type of sign and the best location of the sign.

Mr. Kulsar asked the Council members if they would be committed to putting up a sign. Mrs. Gardell stated she would prefer the sign say Franklin Borough not Franklin Recreation and just advertise recreation events.

Mr. Kilduff said if the sign is on the County Road you might have to get County approval.

Mr. Giordano said he was in favor of the sign; he thinks it sets a good example for getting a program together.

Mr. Kulsar said we will take it back to Recreation and get more information then present it again for approval.

Animal Control Services and SCUMA Rate Increases

Mr. Giordano made a motion to table the last two discussion items Animal Control Services and SCUMA Rate Increases to the next meeting November 22. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder

Nays: None Absent: Zschack Abstentions: None

EXECUTIVE SESSION

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 8:04 p.m., seconded by Mrs. Gardell. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk