

**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
December 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, 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.

Mr. Giordano stated he would like to remove a few items from the consent agenda; checks #36070, #36079 and # 36081.

Mr. Zschack made a motion to approve the consent agenda of December 27, 2011 with the removal of those three checks. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated December 5, 2011 to Judge Weisenbeck from John Ursin Esq. Re: Borough of Franklin vs. Transbanc International Investment Corp. et al Docket No. SSX-C-24-10.
2. Letter dated December 7, 2011 to Franklin Borough Clerk from Sparta Township Re: Public Hearing an Amendment to the Township Master Plan to recommend two new Planned Development Resource Management Districts (PDRM-1 and PDRM-2)
3. Letter dated December 8, 2011 to All Sussex County Mayors, Managers and Administrators from Marianne Smith Township Manager Re: comments related to bill S2794 Shared Service Bill.
4. Letter dated December 8, 2011 to Municipal Clerk and County Executive or Administrator of the Municipalities and Counties of NJ served by JCP&L. from Lawrence E. Sweeney, Director Rates & Regulatory Affairs – NJ. Re Public Notice.
5. Letter dated December 12, 2011 to Mayor Paul Crowley from John Hatzelis Administrator, Sussex County Municipal Utilities Authority Re: Estimated Annual Charge – FY2012 SCMUA Sewage Treatment Services.
6. Letter dated December 14, 2011 to Mr. Varano from John Ursin, Esq. Re: Borough of Franklin – PO Carl Douma.
7. Letter dated December 15, 2011 to Mr. Sederas, Esq. from Jim Kilduff, Administrator Re: Four Winds Industrial Park. LLC. (B62,L18.01) 1 Park Drive, Hardyston Twp. NJ.
8. Letter dated December 20, 2011 to Patricia Leasure from John Ursin, Esq. RE: Medical Leave.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department Report for November 2011.
2. Zoning Officer Report for November 2011.
3. Construction Permit Activity Report for November 2011.
4. Municipal Court Report of Receipts and Disbursements for November 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

COMMITTEE REPORTS

Mrs. Gardell had no report

Mr. Giordano had the recreation sign to report which was already on the agenda for discussion.

Mr. Snyder had no report.

Ms. Miller had no report.

Mr. Zschack reported at the December 19th Planning Board meeting there were no applications. The Board continued to discuss redevelopment and rehabilitation.

Mayor Crowley stated that Mr. Ursin was on vacation. Mr. Robert McBriar was the attorney present in the absence for Mr. Ursin.

Mr. McBriar had nothing to report.

Mr. Kilduff reported items from the following administrator's report which is also on file in the clerk's office.

Borough Sites and Street Issues

Master Street Construction has begun. The contractor is concentrating on curbing and sidewalks for one side of the street. The entire west curb and sidewalk have been completed along with temporary widening on the west side. Winter shutdown will take effect on Friday, with construction to resume when the weather breaks in March. At that time construction will occur on the east side. The engineer has personally met several homeowners at their residences to explain the project.

The Borough's 10 year dam inspection report has been submitted to NJDEP, Bureau of Dam Safety. The dam was inspected in June and again after Tropical Storms Irene and Lee occurred in September. The dam was found to be in satisfactory condition. Continued minor maintenance recommendations include reseeding and filling in of burrowed holes along the bank on the downstream westerly side and injection grouting of a small leak in one of the masonry wing walls.

Financial Controls/Legal Issues

Budget hearings have been completed for most departments including Police, Tax Collection, Finance, Land Use and Municipal court. A preliminary budget committee meeting will be held in early January

A shared service agreement has been reached with the County of Sussex for financial services. The Borough of Franklin will be the lead agency and will supply limited services of its acting Chief Financial Officer to the County for \$14,000 a year.

Tax Bills with the Homestead Credit for 2010 have been mailed out to property owners. The total credit within the Borough is \$238,547.55. Homestead credit will be applied to individual tax bills due February 1st, 2012.

A meeting scheduled for December 22nd with FEMA Representative Walter Scherer has been cancelled due to Mr. Scherer's reassignment. Another meeting must be scheduled for assistance in reporting all expenses for Tropical Storms Irene, Lee and the October 29th snowstorm.

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Hillside Estates Mobile Home Park has applied for a rent increase which is permitted under the Borough's ordinance.

A meeting will be scheduled shortly with the negotiations committee for a new F.O.P. contract. The F.O.P. is waiting to hear back from their labor counsel for possible dates.

Operational/Personnel Matters

The Mayor, Councilwoman Gardell and the Administrator met on December 23, 2011 with a representative of the Public Works department to discuss a November 23rd memo, signed by all departmental employees, relating to "the terms and conditions of the recognized bargaining unit agreement/ contracts and request salary percentage increases for the years 2011 through 2013". A confidential memo has been sent to the Council on this topic.

The Borough is seeking part/time court attendants to assist with security for night court. Applicants must have a license to carry a handgun. Experience is preferred. Interviews will begin shortly.

Monica Miebach has advised the Administrator she has received word she passed her CFO exams. This is a noteworthy accomplishment for a first attempt, as the examination is regarded as very difficult. Monica is to be congratulated for her accomplishment. The State has not yet sent out official notification.

Land Use Matters

The Planning Board is proceeding with hearings on redevelopment and rehabilitation. The Board is tentatively planning a public hearing for February.

A meeting is scheduled for January 6th to discuss a potential land use application with Transbanc. A summary judgment ruling requires Transbanc to file a site plan application.

Long-term and Capital Projects

The Borough Engineer has sent follow up correspondence and additional documentation to the Bureau of Water regarding our well permit application for construction of the backup well and water allocation. The state has confirmed they have received the additional information required for the review/processing of the permit.

A preliminary set of construction plans for bidding have been completed by the Borough Engineer's firm. The Route 23 South sewer pump station was constructed in the early 80's.

Executive Session

An executive session is requested for contracts.

Mrs. Gardell asked if Hillside Estates does the rent increase meet all the State requirements. Mayor Crowley informed if it is within the ordinance of the rent control ordinance they don't have to have a hearing; whatever it is there is a percentage involved it is very minor it is a little amount for each person, their biggest increase in the past is for utilities and construction. Mrs. Gardell said in this case the request is within the ordinance.

Mayor Crowley reported next week we have the 2012 reorganization meeting.

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.

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

OLD BUSINESS

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

NEW BUSINESS

Mr. Giordano referred to check #36070 payment for 50.00 dollars to Joann Cohan. Mr. Giordano didn't recognize the name. It just says Municipal Court salary and wage. Mayor Crowley stated there is a call in person that is a substitute when Lori is not around. Mrs. Gardell stated it could be a translator too.

Mr. Giordano referred to check # 36079 for Patricia Fischer for mileage reimbursement for Zoning OE; we have the PT cruiser for this. Mr. Kilduff asked how much the check was for. Mr. Giordano said \$22.00. Mr. Kilduff explained whenever the municipal vehicle is not available she can use her own vehicle and bill for the mileage. Mr. Kilduff explained he had advised her on other occasions to do the inspections early in the day if the car was going to be used later on so that she wouldn't be using her own personal vehicle unnecessarily.

Mr. Giordano referred to check #36081 Franklin Body and Bear \$1,627.26. Did we have an accident or painting of a vehicle. Mr. Giordano asked if this was the ambulance the police car backed into. There was a discussion on the check made out to Franklin Body and Bear.

Mr. Giordano stated they should be a little more descriptive with this. Mr. Giordano said he can't approve that check unless he knows more about it.

Mayor Crowley said we have the three outstanding checks on the check registrar we would need something from the Council to approve or disapprove these three checks.

Mr. Zschack made a motion to approve the three checks removed from the consent agenda. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Miller, Snyder, Zschack

Nays: Giordano Absent: Kulsar Abstentions: None

Approval of Meeting Minutes

Mayor Crowley explained to the Council that Mrs. Gardell wanted to add comments she had made during the discussion on the Four Winds application. Mayor Crowley informed the Council of how the Council could proceed with approving or not approving the minutes.

Mrs. Gardell read comments into the record of what was her recollection of what was said before the motion was made to deny the applicants request. Mrs. Gardell said nothing that she said made it to the minutes. Mrs. Gardell stated she would like the record to state that request should be approved as the applicant was only requesting what is allowed by ordinance.

Mr. Kilduff asked if what she read was verbatim from the CD. Mrs. Gardell said she did not listen to the tape; it is her recollection of how things went in the discussion. Ms. Miller said we are supposed to do it by tape. Mayor Crowley said what he would recommend that is the Council not approve the minutes tonight and give Mrs. Gardell time to work with the Clerk's office.

Mayor Crowley asked if the Council wanted to approve the minutes for the executive session. Mr. Kilduff informed the Council; Councilman Zschack was absent for part

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of the executive session minutes so he might want to recuse himself he received a redacted copy of the executive session minutes.

Ms. Miller made a motion to approve the Executive Session meeting minutes held on December 13, 2011. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder

Nays: None Absent: Kulsar Abstentions: Zschack

Resolution No. 04-11 requesting N.J.D.O.T. address traffic safety concerns on State Highway 23 in the vicinity of Green Street.

Mayor Crowley informed the Council of background information on this resolution.

Mrs. Gardell stated she was looking at the straight line diagrams from the State and it really appears that Rt 23 is 35 miles per hour through all of the Borough except for this one block. She was going to recommend the resolution be clear to have the speed limit reduced not just near Green Street but consistently throughout the Borough.

Mayor Crowley said that recommendation has been made to the State it might not be on this resolution but it has been made to the State; the speed limit throughout the Borough and part of it is to be consistent.

Mrs. Gardell stated it is confusing where it says to have it reduce in the area of Green Street when we really want done is have the speed limit reduced to 35 as it is both north and south.

Mr. Kilduff commented the engineer actually stated it should start at Rutherford Ave. Mrs. Gardell asked is the engineers report going to DOT with the resolution. Mayor Crowley said we have been in touch with DOT consistently through this time period they agree with us it is just they don't move fast.

Mr. Snyder made a motion to adopt Resolution No. 04-11 requesting the New Jersey Department of Transportation (N.J.D.O.T.) address traffic safety concerns on State Highway 23 in the vicinity of Green Street. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Approval of Taxi License Application

Ms. Miller made a motion is to approve the Taxi License Application submitted by Steve Collins trading as Anytime Taxi for the year 2012. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Appointment of Crossing Guard

Ms. Miller made a motion to approve the status of substitute crossing guard Rachel VanDyke to permanent crossing guard effective immediately 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

Resolution No. 05-11 Authorizing the Hiring of a part time Secretary/Bookkeeper

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Ms. Miller made a motion to adopt Resolution No. 05-11 of the Borough of Franklin Authorizing the Hiring of a Part-Time Secretary/Bookkeeper the new hire is Pamela Crumb part time financial clerk to assist the finance office beginning January 3, 2012 at the rate of \$14.50 per hour and not to exceed 29 hours per week. Seconded by Mrs. Gardell.

Mr. Snyder asked Ms. Miller if she was involved with the personal committee with looking at the applications. Ms. Miller said no she was not. Mr. Snyder asked if anyone was part of it from the personnel committee. Ms. Miller commented that Monica [Miebach] and the administrator looked throw the applications.

Mr. Snyder commented he thinks this has happened a couple of times recently with Monica too. Mr. Snyder asked with regards to Monica was anyone from the personnel committee there. Mr. Giordano said he was.

Mr. Snyder said he thinks that the group [personnel committee] should be involved with hiring individuals that work for the town. Mr. Snyder commented he goes with some of the recommendations on what would be best for the town; but none of us were part of it. Mr. Snyder said he thinks we have to be part of it. Mr. Snyder said he feels this should be done with someone from personnel.

Mr. Zschack asked if this position was replacing a position we had in place already. Mr. Kilduff said we had a full time person working over in finance and that was Leigh Franzino who left; this is replacing a full time. Mr. Zshack commented we have a part time replacing a full time in this position.

Mrs. Gardell commented without the shared service responsibilities. Mrs. Gardell asked if this person was a Franklin resident. Mr. Kilduff replied no; Wantage resident.

Upon roll call vote:

Ayes: Giordano, Miller, Zschack

Nays: Gardell, Snyder Absent: Kulsar Abstentions: None

Resolution No. 06-11 Authorizing 2011 Budget Transfers

Ms. Miller made a motion to adopt Resolution No. 06-11 authorizing the 2011 Budget Transfers in the amount of \$41,300.00. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution No. 07-11 Authorizing an Agreement Between the Borough of Franklin and the County of Sussex for Financial Assistant Services.

Ms. Miller made a motion to adopt Resolution No. 07-11 Authorizing an Agreement between the Borough of Franklin and the County of Sussex for Financial Assistant Services in Accordance with the provisions of the Shared Services Act N.J.S.A. 40A:65-1 ET SEQ. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Miller, Snyder

Nays: Gardell Absent: Kulsar Abstentions: Zschack

Shared Service Agreement for CFO

Ms. Miller made a motion to approve a one year shared service agreement from January 1, 2012 to December 31, 2012 between Franklin Borough and the County of Sussex for Chief Finance Officer Services with an annual amount of \$14,000.00 or \$1,166.66 per month. Seconded by Mr. Snyder.

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Mrs. Gardell referred to the seconded page; it has an evergreen clause for the contract and automatically renewing. Mrs. Gardell said we have discussed other contracts that automatically renewed unintentionally and she thinks there is a little conflict between the first part of the agreement which has a termination date and that other clause at the end.

Mr. Giordano read the section in the agreement that Mrs. Gardell was referring to. Mr. Kilduff explained he had discussed this with the County. Either party can get out of the contract by simply informing the other party but if we are both happy with the agreement this puts in place the means to continue without doing all this paper work every year. There was a brief discussion on the contract.

Upon roll call vote:

Ayes: Giordano, Miller, Snyder

Nays: Gardell Absent: Kulsar Abstentions: Zschack

Recreation Sign

At this time a discussion will be held regarding a free standing sign proposed by the Recreation Committee.

Mrs. Jennifer Giordano, member of recreation stepped forward to address the Council on the proposed sign by the Recreation Committee.

Mayor Crowley gave an overview to the Council on what was discussed at the last meeting.

Mrs. Giordano explained to the Council she was informed by Mr. Kulsar that the funds for Recreation had to be used by the end of the year. Mrs. Giordano said the Recreation Board decided they wanted to get it [the order] in by the end of the year so the money would not go into the general fund. There was a discussion on the funds and if and when the funds needed to be used by and the price quotes that were received by Recreation for this project.

Mr. Zshack commented he likes the project but he can't make a decision until he knows the money is available for the project.

Mr. Kilduff commented you want to make clear the amount of money you want set aside for that project. There is additional work for electric, the sign itself and then there is the foundation/the footing concrete which he doesn't see the estimate for. You want to know that there is money available for all those things.

Mayor Crowley that he was told by the previous CFO there was money set aside for recreation not the committee but recreation itself. Mayor Crowley commented the funds he knows that there are for recreation are the Millie Harden fund and the interest from the Millie Harden fund. There was a discussion on funds for recreation and time factor for the project.

Mayor Crowley commented he takes it the Council does not want to move on this tonight.

Mayor Crowley stated at this time there are several vacancies on Recreation if they know anyone that would like to be appointed for that committee.

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 contracts. Motion seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

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After meeting in closed session, the Governing Body returned to their seats at 8:19 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley thanked Ms. Miller for three years of service as Franklin Borough Councilwoman.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Ms. Miller made a motion to adjourn the meeting at 8:20 p.m., seconded by Mr. Giordano. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk