

**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
January 10, 2012**

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. Limon, 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):

1. Letter dated December 28, 2011 to Commissioner James S. Simpson NJDOT from James Kilduff, Administrator Re: State Highway 23 safety improvements near Green Street Mileposts 33.63 -34.35.
2. Letter dated January 4, 2012 to Pamela Crum from James Kilduff, Administrator Re: Employment with Franklin Borough.
3. Letter dated January 4, 2012 to Patricia Fischer from James Kilduff, Administrator.
4. Letter from Sussex County Department of Engineering and Planning Re: Replacement of Sussex County Bridge E-07 County Route 631 (North Church Road) Over NYS & W Railway & the Wallkill River Borough of Franklin, Sussex County Public Information Center January 12, 2012.
5. Letter dated January 5, 2012 to Patricia Leasure from Jim Kilduff, Administrator Re: Return to work.
6. Letter to Mayor Paul Crowley from Assistant Commissioner Anthony J. Attanasio NJDOT Re: State Highway 23 vicinity of Green Street speed limit dated January 6, 2012.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Building Department report for December 2011.
2. COH report for December 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending Machine License Renewal application for Wal-Mart, 230 State Highway, Franklin.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

Mr. Limon made a motion to approve the consent agenda of January 10, 2012. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

COMMITTEE REPORTS

Mr. Zschack had nothing to report.

Mr. Limon had nothing to report. Mr. Limon is looking forward to being on recreation committee.

Mr. Snyder reported he will be working with Mr. Vandebroek to discuss his contract this week.

Mr. Giordano had nothing to report.

Mrs. Gardell had nothing to report.

Mr. Ursin had nothing to report at this time.

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

Borough Sites and Street Issues

The New Jersey State Department of Transportation has responded to the Borough's formal request for improvements to Rt. 23 in the vicinity of Green Street. In a letter addressed to Mayor Crowley, the NJDOT promised to put this project into their cue for review. No time line was given for follow-up due to the DOT's manpower shortages.

Thursday, January 12th, the County will conduct a public information hearing to outline their plans for the viaduct bridge (E-07) replacement project. The public session will be from 5pm to 8pm. A stakeholders meeting is also planned for 3:30pm to review the current bridge project plans. The detour plan will divert traffic from CR 631 and Rt. 94 through Hamburg at Rt 94 and Rt 23, then south on Rt 23 to Franklin.

The Public Works Department has nearly completed collection and chipping of downed brush and limbs from the storms. The department went above and beyond as residents continued to stockpile branches roadside, necessitating repeat visits to a number of streets in the Borough. The department was delayed by equipment failure of the chipper. Workers are to be commended for their efforts.

Financial Controls/Legal Issue

The Star Ledger published comparative tables of taxes for counties throughout the State. ***Of the twenty-four communities in Sussex County, Franklin Borough was tied for the overall lowest percentage of tax increases over the past 10 years.*** According to the results, taxes in Sussex County increased an average of 43% over the last 10 years compared with a 31% increase in Franklin over the same period. The average percent of tax increase in the County for one year was 5% while Franklin's increase was limited to 3%. ***No other community in the county reported smaller tax increases than Franklin Borough over the past 10 years.*** The chart, published in the January 8, 2012 edition of the Star Ledger, is attached to this report.

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.

In an effort to collect the judgment placed against Reelcology, in the amount of \$20,928.57, the Borough Attorney has filed a writ of execution with the County.

Statewide Insurance Fund has announced several changes to the Fund, effective January 1, 2012. Most of the changes have to do with flood limits and deductibles for flooding as well deductibles for windstorms or hail. There were also increases in

PAGE THREE OF THE MINUTES OF JANUARY 10, 2012

coverage's for the increased cost of construction, mobile equipment and vehicle physical damage. Boiler & machinery coverage has also changed been changed with a reduction in property limits; however other changes provide enhanced coverage's.

The Sussex County Municipal Utilities Authority (SCMUA) has sent a letter regarding Sewage Treatment Services for 2011 (Actual) and Quarterly Estimated charges for 2012. The FY 2012 estimated payment charges have been increased 6% over 2011. The actual additional charge for the Borough in 2011 is \$107,904.00. These up charges are extraordinary. SCMUA contends significant rainfalls in 2011 caused the sewage flows to increase an average of 22.5% over 2010 volume. The Council should consider a course of action to protest these charges.

Operational/Personnel Matters

A resolution to appoint 2 part time Court Attendants is on the agenda. It is anticipated additional recommendations will be forthcoming to form a small pool of available Court Attendants.

A resolution appointing a temporary Zoning Enforcement Officer is on tonight's agenda. Mr. Ken Nelson, P.P., the Borough's planner would undertake review of zoning permits as an interim measure while the Borough searches for a new Zoning Officer. Mr. Nelson has agreed to an hourly rate of \$30. His regular rate as planner is \$112.50.

The 2012 Borough calendars have been delayed at the printer. Mailing of the new calendars should be completed by next week.

Land Use Matters

Sparta Township has amended its Master Plan and formulated two new Planned Development Resource Management (PDRM) districts. The township has also provided notice of a minor modification to the land use ordinance section regarding "Band signs" in the Village Core Zoning Districts. A hearing on the matter is scheduled for January 24th, 7:30pm at the Sparta Municipal Building on 65 Main Street, Sparta.

Long-term and Capital Projects

An administrative project list is attached to this report. The list outlines 2012 projects and issues.

Executive Session

An executive session is requested for personnel.

Mayor Crowley stated at the next meeting on the agenda would be a discussion on the Centennial in 2013; we need to get a committee together. Mayor Crowley informed the Council that there are people that want to get involved; we need a chairman who is probably not a Council member.

Mayor Crowley informed the Council that the clerk will return to work this week. Mayor Crowley said unless anyone has any objections he would indicate to the administrator to keep Robin Hough in the administrator roll for a month and at the end of the month we will discuss her position.

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. Limon. All were in favor.

PAGE FOUR OF THE MINUTES OF JANUARY 10, 2012

Mark Terzano, 19 Master Street, stepped forward. Mr. Terzano commented he had good news to report; he was observing the Master Street renovation; one of the BPW workers wasn't feeling well Pete, but he was out in the middle of the road guiding the contractors all day, in the cold weather and doing a great job. Mr. Terzano state he wanted to acknowledge him and the good work that the water and sewer department does.

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. Limon. All were in favor.

OLD BUSINESS

Mayor Crowley commented that the Hungarian Church was supposed to have their CO; the Council will have to decide whether we want to pursue anything there.

Mayor Crowley informed the Council that Wallkill Valley High School has cut our representation on the Wallkill Valley High School Board of Education by one member. Mayor Crowley explained this was done by Trenton based on the Census figures; Hardyston gets 3.864 members according to the census figures, Franklin gets 2.37 which is two members, Hamburg gets 1.54 which they rounded up to 2 and Ogdensburg is at 1.24 they are left at 1. Franklin's was rounded down to 2 members; that is formulated for 10 years until there is another census. Mayor Crowley said we can appeal to the State Department of Education. At the next election we will not have someone from Franklin because the person that is in that position will be nullified.

Mrs. Gardell asked how long are the terms. Mayor Crowley said their terms are three year terms and they used to have one person each year. Mrs. Gardell commented they are three year terms and on the third year there will be no openings.

NEW BUSINESS

1. Approval of NJ State Firemen's Association Membership Application

Mr. Zschack made a motion to approve the application for membership of Lawrence A. Osborne, 17 Davis Road, Franklin to the Franklin Fire Department as recommended by Fred Babcock, Franklin Fire Department Chief. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: Limon

2. Resolution 2012-12 Appointing a Temporary Qualified Purchasing Agent

Mr. Zschack made a motion to adopt resolution 2012-12 of Borough of Franklin Maintaining the current bid threshold and appointing a temporary Qualified Purchasing Agent, Pursuant to N.J.S.A. 40A:11-3A and N.J.A.C. 5:34-5 ET Seq. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mayor Crowley referred to the addendum to the agenda for 2012 Council Committee Duties.

2012 COUNCIL COMMITTEE DUTIES

1. Council Committee Duties

Mayor Crowley shall announce Council Committee duties for the year 2012 with the Mayor named as Ex-Officio Member of each Committee.

a. ADMINISTRATIVE: Ordinance

Chairman: Susan Gardell
Member: Tom Kulsar
Member: Mark Zschack
Alternate: Joe Limon

b. ADMINISTRATIVE: Finance, Budget & Insurance

Chairman: Mark Zschack
Member: Gilbert Snyder
Member: Susan Gardell
Alternate: Nick Giordano

c. PUBLIC UTILITIES: Council Liaison to the Board of Public Works

Liaison: Susan Gardell
Alternate: Gilbert Snyder

d. PERSONNEL & NEGOTIATIONS:

Chairman: Gilbert Snyder
Member: Nick Giordano
Member: Tom Kulsar
Alternate: Joe Limon

e. PUBLIC SAFETY: Police & Fire

Chairman: Mark Zschack
Member: Susan Gardell
Member: Nick Giordano
Alternate: Joe Limon

f. COMMUNITY RELATIONS: Council Representatives to:

Recreation Commission, Economic Development, also serves as the "Awards Committee."

Member:	Joe Limon	Economic Development
Liaison:	Joe Limon	Recreation
Member:	Thomas Kulsar	Recreation
Liaison:	Thomas Kulsar	Joint Recreation Commission

Members: Shared Services Committee

Mark Zschack
Gilbert Snyder
Paul Crowley

Members: Rent Leveling Board

Susan Gardell
Joe Limon

PAGE SIX OF THE MINUTES OF JANUARY 10, 2012

Mayor Crowley asked Mr. Zschack to continue with number two on the addendum to the agenda.

2. Resolution 2012-13 Hiring of Part-Time Court Attendants

Mr. Zschack made a motion to adopt resolution 2012-13 of the Borough of Franklin Authorizing the hiring of Jeffery Willis and Joseph H. Drossel as part time Court Attendants to assist during municipal court sessions as needed, commencing January, 23, 2012 at the rate of \$22 per hour at a minimum of three hours per session. Seconded by Mr. Giordano.

Mayor Crowley explained to the Council they were interviewed by Mr. Kilduff and the Chief of Police; we will hire several more so there are about 5 court attendants that the Chief can assign to court duties on a rotating bases.

Mr. Snyder said he had spoken with Mr. Kilduff on the hiring of the court attendants on what the proper salary would be for them. At the time we thought \$22.00 was a start and four or five months ago we said it was between a range of \$20.00 to \$25.00 per hour. Mr. Snyder said his concern is whether or not they will accept \$22.00 per hour, if they don't; we have to go to another list of people. Mr. Snyder commented if a Court attendant comes into a situation; are they going to be able to handle themselves. Mr. Snyder said they have to be well qualified. Mr. Snyder said maybe we should put the rate to \$25.00 and get the qualified candidates at that range.

Mayor Crowley informed that Council that Mr. Willis and Mr. Drossel have accepted \$22.00.

Mr. Kilduff commented he had informed both Mr. Willis and Mr. Drossel and both had asked for more than \$22.00; they were looking for \$25.00. Mr. Kilduff said his understanding from the conversation they understood and that we were looking at a three hour minimum so if they were to be called out they would have at least three hours of billable time for that evening. Mr. Kilduff explained they were not the happiest with that number but they had agreed to it. Mr. Kilduff said back in September when we passed a resolution to do this we had a range of \$20.00 to \$25.00 per hour.

Mr. Giordano recommended to get this going and after a few months review it again.

Mayor Crowley said we can do that; we have to hire a few more people.

Mr. Giordano stated he had no problem with them being at the rate of \$25.00.

Mr. Snyder commented he didn't realize that Mr. Kilduff had talked to Mr. Willis and Mr. Drossel and they agreed to the \$22.00; it was his feeling they thought that was an injustice. He wants to make sure we get qualified people that know how to run the Court as attendants. Mr. Snyder said that is fine to run this for awhile knowing the discussion was brought up about maybe getting the \$25.00 which we said would be the max.

Mayor Crowley said the motion on the table is for \$22.00.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Snyder Absent: Kulsar Abstentions: None

PAGE SEVEN OF THE MINUTES OF JANUARY 10, 2012

3. Resolution 2012-14 Hiring Acting Zoning Officer

Mayor Crowley informed the Council that Ken Nelson is also the Borough's Planner he is doing this as a favor to the Borough and agreed to work for \$30.00 an hour his rate as a planner is \$112.50. Mayor Crowley wanted to make it clear he is not going to be in the Borough on a regular basis he is not going to be the garbage police but he will take care of zoning permit applications so we are not holding up anything until we decide what we are going to do as far as this position.

Mr. Giordano made a motion to adopt resolution 2012-14 hiring of Ken Nelson as Acting Zoning Officer at the rate of \$30 per hour. Seconded by Mr. Limon.

Mr. Zschack asked if we have any idea as to what kind of hours will be needed. Mr. Kilduff stated what we need right now is to cover our building permits; we are in a slow season now. Mr. Kilduff said he spoke to Mr. Nelson on making available certain hours. Mr. Nelson had agreed to make his cell phone number available so if someone needs him they can call him directly.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: Absent: Kulsar Abstentions: None

EXECUTIVE SESSION

The Council did not go into executive session.

MISCELLANEOUS COMMENTS

Mayor Crowley reminded everyone of the Viaduct Bridge meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7:32 p.m., seconded by Mr. Giordano. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk