

**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 24, 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. Kulsar, Mr. Limon, 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."

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 January 6, 2012 to Commissioner James S. Simpson from New Jersey Legislative Offices 24 District, Senator Oroho, Assemblyman Chiusano and Assemblywoman Littell McHose.
2. Letter dated January 12, 2012 to Mr. Joseph Drossel from James Kilduff, Administrator, Re: Employment with Franklin Borough.
3. Letter dated January 13, 2012 to Mr. Jeff Willis from James Kilduff, Administrator, Re: Employment with Franklin Borough.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police report for December 2011.
2. Tax Department report for December 2011.
3. Tax Collectors report for Hardyston for December 2011.
4. Board of Health Activity report for December 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 24, 2011.

Mr. Limon made a motion to approve the consent agenda of January 24, 2012. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar reported there was a recreation meeting tomorrow night.

Mr. Zschack had nothing to report.

Mr. Limon had nothing to report.

Mr. Snyder reported he and Mr. Kulsar sat down with Brian Vandebroek last week to talk about BPW, the talks will continue.

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Mr. Giordano requested executive session to discuss contracts.

Mayor Crowley commented you just gave out the contracts. Mr. Giordano commented this was the first draft. Mayor Crowley suggested giving it to Mr. Ursin to review. Mayor Crowley asked if the draft was given out to the Council so everyone can review the contract and get this on the agenda next time.

Mrs. Gardell had nothing to report.

Mr. Ursin updated the Council on the Clerk's status.

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

Borough Sites and Street Issues

The County conducted viaduct bridge project stakeholders and public information meetings on January 12th at Borough Hall. The meetings ran from 3:30pm to 8:00pm. The County was represented by Freeholder Director Phil Crabb, Administrator John Eskilson, County Engineers Walter Cramp and John Risko and engineering consultants from Cherry Weber. The professionals reviewed the project plans and the proposed detour route during construction. The project will require complete closure of CR 631 at the bridge crossing for a period of about 14 months. This is considerably longer than first anticipated. The County is projecting closure possibly around the end of 2012 with the bulk of construction to take place in 2013. The detour from Rt. 94 will route traffic to the intersection of Routes 94 & 23 in Hamburg, then south onto Rt. 23 into Franklin. Detour signs will also be posted at strategic locations throughout the Borough. A number of local detour signs will also be posted around town during construction. CR631 services about 9,000 vehicles a day. Residents and local businesses will be inconvenienced and should seek out alternative routes during construction.

The Borough Engineer is recommending the Council consider suspending parking regulations on Master Street during the reconstruction project.

Today, a letter was received from the Irish Cottage concerning a request to close off a portion of Hardystonville Road for their St. Patrick's Day event on March 17th. The letter arrived too late for placement on the agenda; however, the Council may wish to discuss this proposal.

Financial Controls/Legal Issues

The bill list for tonight's meeting includes 3 large payments: 1st quarter taxes to the County in the amount of \$533,928.08; SCMUA estimated quarterly charges in the amount of \$263,259.75 and the balance of payment due from 2011 in the amount of \$107,904. Collectively, these payments account for \$905,091.83 of the current bill list.

At the suggestion of the CFO, the Borough has requested FEMA to look into recouping some of the \$107,904 extra charges from SCMUA for 2011. SCMUA has asserted the extra charges are due to the unusually heavy rainfall in 2011. FEMA has advised the Borough may receive reimbursement for excess flows during storm events.

The proposed Shared Service Agreement with Wantage Township for washing of trucks is on tonight's agenda. There is no change in cost from last year.

Operational/Personnel Matters

The CFO has begun the Borough's interlocal agreement with the County, which provides \$14,000 revenue to the Borough. The Administrator has received confirmation of Monica Miebach's certification as CMFO (Certification No. is N-0886). In accordance with the Council's resolution of appointment, the Administrator has instructed payroll to adjust Ms. Miebach's salary from \$67,500 to \$75,000.

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The Borough Clerk has not been at work since Wednesday, January 18th. Ms. Leasure has not contacted the Borough offices. As a result the Administrator has requested Ms. Hough step in and resume filling the duties of Acting Clerk. The Borough is indebted to Ms. Hough for her extra effort.

D & H Risk Solutions, the Borough's risk management consultant is handling the matter of Carl Douma, on behalf of the Borough and Statewide Insurance Fund, D & H is making arrangements for physical examinations for Mr. Douma.

The Tax Collector has announced her intention to leave the Borough's employment on February 29th of this year. The Borough Council has been farsighted in training and certifying Theresa Schlosser for promotion to the Tax collection position. With the withdrawal of Hardyston's shared service agreement for tax collection, the Franklin Tax Collection position may now be combined with other duties. A resolution for Council action will be forthcoming.

Land Use Matters

The Planning Board conducted their reorganization meeting on January 17th and discussed redevelopment. The Board has largely concluded review of two of the 5 areas being studied, known as Areas A & B. A public hearing is tentatively planned for February 21st. Area A is the Zinc mine and contiguous properties which stretch out to Rt. 23 and include some additional lots on Rutherford Avenue. Avenue B is the Main Street area and is comprised of 70 properties. This area includes 4 different zones, B-1, B-2, OSGU and the R-4 zones. The Main area has been identified as a rehabilitation study area as opposed to an area in need of redevelopment.

The Planning Board is recommending a zone change for the property owned by the American Legion. The proposal is to change the zoning from the Multi-family (MF) zone to the Highway Commercial (HC) zone. Under the Borough's current zoning, the Legion would become a permitted use through the proposed zone change. It is now a non-conforming use in the MF zone. The proposed rezoning is consistent with the use of the property by the American Legion. If the Council supports this rezoning an ordinance must be prepared for introduction.

Long-term and Capital Projects

Franklin Borough's Centennial Celebration (1913 ~ 2013) will take place in 2013. Planning for this event should begin as soon as possible.

Executive Session

If requested.

Mr. Snyder stated he attended the Stakeholders meeting; he was disappointed that it [Viaduct Bridge] couldn't be constructed the way we like it have it constructed. The County needed to get this going as soon as possible or the County would lose the 1.8 millions that they would be getting as soon as March or April. Mr. Snyder stated his concerns on the detours to Wildcat Road and Davis Rd. Mr. Snyder is concerned about the bridge on Maple Road; the bridge is going to have a direct impact.

Mr. Snyder asked in regards to the tax collector; have we received a letter of resignation yet. Mr. Kilduff said yes, he received it today.

Mr. Limon asked when the Viaduct was shut down last time how long was it shut down for. Mr. Snyder said over a year; 14 months.

Mr. Snyder has concerns in regards to the traffic and weight limit of trucks

Mr. Giordano commented his fear is overweight trucks going down Maple Road and over that bridge on Maple Road.

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The Council discussed the problem of overweight trucks.

Mrs. Gardell stated she had attended the meeting also and she was there through the public session. Mrs. Gardell commented there was a lot of concern from the people on Susquehanna Street; they had received individual notices because they are so close to the project. Mrs. Gardell said there was a lot of concern about the noise and traffic. Mrs. Gardell said with that bridge being gone they have no second route for emergency ingress or egress if there happens to be a train on those tracks.

There was a discussion on noise and the noise ordinance.

Mrs. Gardell said there is a lot of concern about the increase of noise from the quarry trucks and the air brakes. This was discussed late last year on 23. Mrs. Gardell commented Hamburg had an ordinance; if we are having that concern on the County Bridge we may want to look into this.

Mayor Crowley stated he had done research on that and he doesn't know if you can have an ordinance against jake brakes but you can have ordinance concerning noise. If the brakes are not maintained that is where the noise level comes from. This goes back to how do you enforce that loud noise not only for trucks but for any ordinance or noise.

Mr. Kilduff asked Mr. Ursin about modifying the noise ordinance or in some way accommodate extra hours for reconstruction of this bridge. Can that be done by resolution of the Council or would we have to actually go in and change the ordinance for this one project.

Mr. Ursin said no, you can do it by resolution.

Mr. Kilduff commented that he would contact the County to find out what they would project to be the necessary hours and then advise the Council.

Mayor Crowley commented we are going to go into negotiation with the FOP and there will be an Ad hoc committee representing himself and the Council and hopefully we will come to a conclusion on this and bring it back to the Council for approval. Mayor Crowley told Mr. Zshack that it would be up to him who would be on the committee and if someone can't make it then you would get someone else from the committee to be there.

OPEN PUBLIC SESSION

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

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked how much money was spent in overtime to chip off the branches; she noticed they were working on the weekend.

Mr. Kilduff commented they worked two weekends and the overtime was approved. Clean Community money was used to do that and on the second Saturday the machine broke down. After the machine broke down they were able to finish the work without overtime.

Mrs. Tatka asked about a salary ordinance. Mayor Crowley explained that there is a salary ordinance in place.

Mrs. Tatka asked about the clerk, tax collector and combining positions.

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

OLD BUSINESS

Mayor Crowley stated he had mentioned several times about hiring a patrolman. He would like to get moving on this unless anyone has any objections.

Mayor Crowley commented at a previous Council meeting he had mentioned leaving Ms. Hough in her position as acting clerk for one month to see how things were going. Mayor Crowley said with the clerk being out again he thinks we should use this more as an open ended thing to have Ms. Hough as acting clerk until we have a real verification from the return of the clerk. Mayor Crowley asked if there were any objections to that.

NEW BUSINESS

1. Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on December 13, 2011. Seconded by Mrs. Gardell (Absent: None)

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: None Abstentions: Limon

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on December 27, 2011. Seconded by Mrs. Gardell. (Absent: Kulsar)

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: Limon

2. Tax Resolution #2012-15 Authorizing Refund of Overpayment

Mr. Snyder made a motion to adopt a resolution authorizing the tax collector to refund \$2,190.93 to Block 12 Lot 8 for overpayment of taxes due to an incorrect added assessment. Seconded by Mr. Limon

There was a discussion on this resolution and assessment of the property.

Upon roll call vote:

Ayes: Gardell, Kulsar, Limon, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

3. Approval of Shared Service Agreement for Vehicle Washing Equipment

Mr. Snyder made a motion to approve the shared service agreement from Wantage Township for utilization of the vehicle washing equipment by the Borough of Franklin at the rate of \$20.00 per vehicle washed. Seconded by Mrs. Gardell.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

4. Court Operations (Deputy Court Administrator)

A discussion will be held at this time regarding Court Operations (Deputy Court Administrator).

Mayor Crowley told the Council that the Judge has requested that the Clerk assistant (Maggie Rodriguez) to the Court Administrator be given a different title so that she will be able to have further involvement at the window. Mayor Crowley stated the clerk was hired about one year ago part of her acceptance was that she

would go to school. She has been doing the school she does this on her own time, mileage and has passed her tests needed.

Mr. Snyder had a meeting with the personal committee on this matter. Mr. Snyder said they agreed to change her title to Deputy Court Administrator, they agreed to move her hours from 20 hours to 25 hours and raise her salary \$2.00 per hour. Mr. Snyder said she also has to attend one night session court at her regular rate per month.

Mr. Snyder said his recommendation would be to the rest of the Council at this time to do what we need to do to have her go to Deputy Clerk Administrator position add the extra 5 hours and only do \$1.00 salary increase and keep the one night court session. Mr. Snyder commented we are also doing this because the Court Administrator will be out with her times; if the clerk has the title of Deputy Court Administrator she will be able to receive complaints which she is unable to do right now.

Mr. Zschack asked what her current salary is. Mr. Kilduff said \$12.00. Mr. Zschack said the proposal will raise it to \$13.00. Mr. Snyder said yes, and 25 hours per week.

Mayor Crowley commented when she accepted and we have not raised anyone salary's within the Borough for the last two years he believes. This would be like a 10% increase income for her. Mayor Crowley pointed out that the Court was the only area of the Borough that was not cut when we had budget cuts. In fact it was increased. Mayor Crowley said he would like to point out that the court does not make money it actually loses money. Mayor Crowley said he doesn't believe that having her work more is going to increase the financial production of the Court. Mayor Crowley said it is up to the Council to decide on this.

Mr. Zschack said it is more than giving her a raise she is getting a new job title. Mr. Zschack asked if giving her the title will allow her to do more duties within that office. Mayor Crowley commented when she is trained for that. Mr. Kulsar commented she will do the same duties that Lindsay did for \$20.00 per hour; that is why people leave because they don't make any money.

Mr. Snyder made a motion moving the title of Maggie Rodriguez to Deputy Court Administrator adding her hours from 20 to 25 hours, salary from \$12.00 to \$13.00 per hour and attends one night Court session per month at regular rate.

There was a discussion on the amount hours that would be worked the week Mrs. Rodriguez worked night Court session. Mrs. Gardell asked having her work on night is that for training purposes. Mr. Snyder said that is what they had talked about. Mr. Snyder said Mrs. Rodriguez took the extra responsibility when we hired her to attend different classes that she has done on her own now without any Borough funding.

Mr. Snyder said he keeps his motion as such having on night Court session, added to the hours. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

5. Centennial Discussion

Mayor Crowley commented that we need to get a committee going; a lot of people have indicated an interest in being involved. We need to set up an AdHoc committee but we need to start thinking of a strong chairman. He suggested someone that is not a politician. The Council members discussed having a committee.

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Mayor Crowley suggested putting this discussion on the next meeting agenda and in the mean time think of someone that might be a good candidate to be chairman and how many you feel should be on the committee.

6. Detour Plan for Viaduct Bridge Replacement

Mayor Crowley said there will be a lot of local traffic on Scott Road and Davis Road. Mrs. Gardell commented on our municipal engineer reviewing the detour plan; she doesn't think the Borough needs to spend money on having another set of eyes looking at the plan besides the County engineer.

Mayor Crowley said it is a County plan that is not going to change even if we don't like it. Mr. Kilduff said he received a letter today from the Borough engineer; he has reviewed the plans and finds the detour plan is acceptable. The Borough engineer makes note that throughout the detour plan include signs throughout the Borough, he makes note that it is impossible to provide detour signage for every possible roadway in the Borough.

Mr. Snyder commented his concerns regarding signage would be the intersection of Wildcat Road and Maple Road; maybe make a four way stop there. Mr. Giordano commented the Borough may want to consider painting lines there; that can be a dangerous intersection.

Mrs. Gardell informed the Council that information on the Viaduct Bridge Replacement is posted on the County's website.

7. Zone Change for Block 70 Lot 3

Mayor Crowley said the Planning Board has recommended a zone change for Block 70 Lot 3. This came up because the American Legion wanted to do some work and looking at the maps realized that the American Legion is actually in the multifamily zone which doesn't make sense. It was discussed at the Planning Board and the American Legion should be in the Highway Commercial Zone were the American Legion would be an accepted use. Mayor Crowley explained to the Council the reason why the Planning Board recommended the Zone Change.

Mr. Ursin commented that he received a letter from the Planning Board attorney and would be in contact with him on how to make this zone change more efficient, than discuss this with Mr. Kilduff and follow up with the Council.

Mrs. Gardell asked why not make the American Legion a B2 zone. Mr. Kilduff said it is surrounded by highway commercial; we don't have any B2 over there.

The Council had a brief discussion on the zone change.

8. Suspend Parking Restriction

Mr. Kilduff stated Master Street is being reconstructed with sidewalks, curbing, stairs and different locations and paving. There was recommendation from the Borough Engineer to allow the police department to suspend parking restrictions along Master Street from Warren Street to Green Street during the 2012 winter season to allow residents time to adjust to the new parking arrangements.

Mr. Giordano asked how would this effect the plows getting through. Mayor Crowley commented this would be a problem if there were plows on the street. The Council discussed suspending the parking restrictions.

Mr. Kulsar commented that he sees no reason why anyone has to park on that street. Mayor Crowley said let's bring this back to Mr. Knutelsky. Mr. Giordano asked why not ask Officer Geddis what he thinks on the matter. Mr. Zschack stated in Mr. Knutelsky's letter it states Lieutenant McInerney and Brian Vandenbroek don't have any concerns with this. Mayor Crowley suggested getting more information from Mr. Knutelsky since he generated the letter.

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Mayor Crowley said this is one thing not on the agenda; a letter from the Irish Cottage.

Mr. Limon made a motion to allow the Irish Cottage to shut down that Road for their celebration. Seconded by Mr. Giordano.

Mr. Kilduff said they also want to install a tent which will have to be installed a day or two before and stay up a day or two after. Mrs. Gardell asked if the Borough had a road closure application like the soap box derby. Mayor Crowley said he doesn't know for the soap box derby if we had a formal road closing but we have done it for block parties and things like that.

Mr. Kilduff said the tent would be up from Friday March 16 and be removed on Sunday March 18; they are requesting that the road would be closed from 3:00PM Friday March 16 to 3:00PM Sunday March 18. Mr. Kilduff asked Mr. Limon if he wanted to amend his motion to include these dates.

Mr. Limon said as such. Mrs. Gardell asked if we have a road closure application to have it completed. Mrs. Gardell stated if we have a procedure in place she would like them to use that and not supersede that with a letter to the Mayor & Council.

Mr. Giordano suggested to amend the motion and approve what they are asking for in regards to the tent and the closing providing they notify those people and filed the required paper work.

Mr. Giordano seconded the motion.

Mr. Kilduff said the motion is to allow them to put up the tent and close the road from Friday March 16 to Sunday March 18 at the time specified.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:19 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk