

**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
February 14, 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 and Mayor Crowley.

Absent: Mr. Zschack

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."

PRESENTATION:

At this time Mayor Crowley recognized Mike Gunderman for his hard work and dedication to the Borough. Mr. Gunderman retired a few months ago; he has been employed for the Borough for 42 years. Mayor Crowley presented Mr. Gunderman with a certificate of appreciation and a watch for his years of service.

Mr. Kilduff thanked Mr. Gunderman for his service to the Borough. Mr. Gunderman had volunteered for many different organizations in Franklin; he has been a coach, helped on the Fire Department, First Aid, Boy Scouts, Girl Scouts and Recreation.

Mr. Giordano thanked Mr. Gunderman for the years of friendship his father had with him. Mr. Giordano to Mr. Gunderman he is very thankful for what he does for Franklin Borough.

Mr. Limon commented that Mr. Gunderman was still on the recreation committee and he would see him at the next meeting.

Mr. Snyder congratulated Mr. Gunderman and hopes he enjoys his retirement.

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 2011, to Mayor Crowley from New Jersey State League of Municipalities.
2. Montague Township Resolution 2012-18; Resolution opposing Senate Bill 3148.
3. Letter dated January 26, 2012 to Damion Ryan from Jim Kilduff, Administrator, Re: St. Patrick's Day Event.
4. Memo dated February 4, 2012 to Mayor & Council and Planning Board from Jim Kilduff, Administrator/Director of Planning & Community Development Re: Statutorily Mandated Report 2011 Zoning Board Decisions.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for December 2011.
2. Police Department Report for January 2012.
3. Building Department Report for January 2012.
4. COH Report for January 2012.
5. Fire Marshall Report for January 2012.
6. Tax Department Report for January 2012.
7. Tax Collectors Report for Hardyston January 2012.
8. Board of Health Activity Report for January 2012.

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APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending Machine License Renewal for Weis Markets 147 140 State Rt 23 Franklin
2. Vending Machine License Renewal for Double M Vending 86 Fowler St. Port Jervis, NY 12771; vending machines located at Koz's Korner.
3. Franklin Home & School Association license for raffle, On-Premise 50-50 license number 01-12 to be held on March 16, 2012.
4. Franklin Home & School Association license for raffle, On-Premise Tricky Tray Raffle license number 02-12 to be held on March 16, 2012.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 14, 2012.

Mr. Limon made a motion to approve the consent agenda of February 14, 2012. Seconded by Mr Giordano.

Mrs. Gardell requested that number 4, the Statutorily Mandated Zoning Board report for 2011 be pulled for discussion.

Mr. Limon amended his motion to remove item number 4. Mr. Giordano amended his second.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar had nothing to report.

Mr. Limon reported there was an Economic Committee meeting last week; we didn't have a quorum. Mr. Limon asked about the new website; if it was ready to go. Mr. Kilduff replied we are adding some last minute information. Mr. Limon reported tomorrow at Hardyston there will be a Joint Recreation Committee meeting.

Mr. Snyder reported the personnel committee met last week and discussed a few resolutions; they are on the agenda tonight. Mr. Snyder requested executive session tonight for personnel.

Mr. Giordano reported he has been working on the Chief of Police contract; he hopes it can be discussed in executive session tonight and take action on it. Mr. Giordano said they are also working on the FOB contract for ongoing negotiations.

Mrs. Gardell said there hasn't been any Board of Public works meetings. Mrs. Gardell reported she did attend the joint recreation meeting they had with Hardyston; the discussion was on two topics. One was looking at the cost for the Littell Center and the other was the use of the sport fields.

The Council had a discussion on the fees, use of the Littell Center and use of the Borough fields.

Mr. Ursin had nothing to report.

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

Borough Sites and Street Issues

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The State of New Jersey, Bureau of Dam Safety and Flood Control has provided a letter indicating concurrence with the Borough's dam safety inspection report which finds the Franklin Pond Dam to be in satisfactory condition with minor repairs and routine maintenance necessary. This maintenance will be completed by June 30, 2012. The dam safety standards require the Borough's dam must be inspected every two years by a licensed engineer.

Pursuant to discussion by the Council at the January 2th meeting, a memo was sent to the Police Chief and DPW Supervisor regarding the Borough Engineer's proposal to temporarily suspend parking regulations on Master Street. At this time no further recommendations have been made regarding suspension of parking regulations.

Hardyston has advised they have received a request from the Walkkill Valley Junior Football League to utilize the Hardyston, Wheatsworth Road, 100 yard football field for the league's game field. The other fields, including Franklin, would be used for practice.

Financial Controls/Legal Issues

An addendum to the agenda proposes a motion to approve a new contract with Metromedia Energy for natural gas. Presently, the Borough uses natural gas to heat the municipal building. The new, 2 year contract will take advantage of low rates to lock in the Borough's gas price at \$0.54.5 per therm. (The three year price would be \$.055 per therm. Under the old contract, which expired January 31st, the Borough was paying cost + \$0.06 therm. Over the prior 18 months, the average cost was \$0.7447/therm. Other prices were obtained from Elizabethtown Gas (\$0.06924 per therm) and Cooperative Industries (\$0.55 per therm for 1 year).

Effective February 13, 3012, all tax block and lot numbers in the Borough have been changed to a new numbering system, in conformance with requirements of the New Jersey Division of Taxation. Tax bills for the first and second quarter of 2012 will be processed under the old block and lot numbers. When new tax bills are issued in July, the new block and lot numbers will appear on the bills. This represents a sweeping change in property tax record keeping and all property owners are encouraged to familiarize themselves with these changes. The changes have been mandated by the Division of Taxation; the Borough cannot accept requests to keep old block and lot numbers.

The New Jersey Department of Labor has issued a notice to employer of a monetary redetermination for unemployment benefits for a recent former employee. The maximum benefit amount is \$9,646.00. It is recommended the 2012 budget include a budget line item for such contingencies.

The Borough's Annual Financial Statement for 2011 has been forwarded to Trenton by the Chief Financial Officer. A copy of the 68 page document is available in the Clerk's office.

The Assessor has advised the administrator the net taxable valuation for Franklin Borough (2012) is: \$465,191,273. A summary of this information will be printed with the Tax Book this week.

Introduction of the 2012 budget is tentatively scheduled for the next Mayor & Council meeting. The budget committee will meet prior to that meeting to review budget items. The state has set a 2% cap on municipal budgets.

Operational/Personnel Matters

Hardyston Township conducted a meeting to discuss interlocal recreation and the Littell Center on January 31st, 2012. The meeting was attended by representatives from Hardyston, Franklin and Hamburg. Ogdensburg did not participate. Susan Gardell represented the Borough. The group discussed assessing a \$50 fee to non-member participants in sports programs and \$25 for other groups, like seniors.

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Land Use Matters

The Planning Board has scheduled a public hearing on redevelopment for "Area A" to review the findings of its preliminary investigation. The public hearing will be held on February 21, 2012. In accordance with municipal land use law (MLUL), notice to affected property owners has been mailed. Area "A", the former zinc mine and related properties extending to Rt. 23, will be considered for redevelopment. A second study area, Area "B", Main Street properties from Hudson Street to Borough Hall, will be considered for rehabilitation. Copies of these documents are in the Clerk's office.

The Borough has received notification of a court order approving a settlement for former Police Chief, Joseph Kistle. The settlement, dated January 3, 2012 awards a total of \$24,342, less allowances for a knee injury sustained during assault tactical rifle training in 2005. Although a settlement has been reached, it is possible additional treatment within the next 2 years could result in further claims.

The matter of Frank Garrera and the Franklin Revolver & Rifle Association is proceeding. The insurance company has denied responsibility. The claim is now being covered under worker's compensation.

Long-term and Capital Projects

The new tax maps are expected to be released this week. They will include the new block and lot numbering system referenced above.

Executive Session

An executive session is requested to discuss contracts.

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. Snyder. All were in favor.

Joe Martinez, 39 Woodland Road, stepped forward. Mr. Martinez questioned the Council as to where they are with the sign the recreation committee wants to put up. Mayor Crowley commented this was discussed; no one on the Council opposed it, the Council wanted to wait until after the budget hearing to make sure the Borough had the money. Mr. Martinez stated that the Recreation Committee has the funds for the sign and the electrical work. Mayor Crowley stated the new CFO is checking on all the accounts to find out what they were, where they came from. We are waiting to see what she says. Mayor Crowley stated the only money that is encumbered at this point is the money for the sign. There was a discussion on the sign and funds for the sign.

Mr. Martinez voiced his opinion on another Board he is a member of and a sign application for Shop Rite that was approved. Mr. Martinez is concerned that the quotes received on the sign will longer be valid.

Mayor Crowley questioned Mr. Martinez in regards to still being on the Recreation committee. Mr. Martinez had informed Mayor Crowley in January that he no longer wanted to be in the Recreation Committee. Mr. Martinez commented that he wanted to be on the Zoning Board and Recreation Committee. Mayor Crowley said then we will have to reappoint you; your appointment to the Zoning Board was already done.

Mike Gunderman Jenkins Road stepped forward. Mr. Gunderman is the chairman for the Recreation Committee. Mr. Gunderman stated when the Borough gets the sign we can advertise events on the sign. We want to make Franklin a better place by advertising things that the town does. Mr. Gunderman commented that the Recreation Committee would like to push the sign through as soon as possible.

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Joanne Tatka, 151 Maple Franklin, stepped forward. Mrs. Tatka commented that she hopes if recreation has money that it isn't appropriated someplace else. Mrs. Tatka questioned the changing of the lots and blocks. Mrs. Tatka asked if there will be any budget workshops scheduled for the public. Mrs. Tatka commented she is looking forward to the Redevelopment meeting to see if there is any type of action.

Jennifer Giordano, 42 Mabie Street stepped forward. Mrs. Giordano pointed out to the council that the quote regarding the sign was only good for thirty days. We already lost the \$400.00 discount on the sign; the sign needed to be ordered by December 31, 2012. There was a discussion on the quote for the sign and accepting the bid that is the lowest bid for the sign.

Lori Mitchener, Franklin stepped forward. Ms. Mitchener asked what is the delay, why are we not ordering the sign and what are we waiting for. Mayor Crowley commented we are waiting for the budget hearing to make sure we have enough money to support. Ms. Mitchener commented we have more than enough money to cover expenses in the recreation accounts. Ms. Mitchener questioned the delay. Mayor Crowley explained the Council is waiting for the CFO to go through all the lines to make sure that all the money is available. The Council had a discussion on the recreation accounts and waiting for the CFO to review the accounts.

Mike Gunderman Jenkins Road, stepped forward. Mr. Gunderman questioned why the money in the recreation accounts can't be used. Mayor Crowley explained the CFO is reviewing the accounts and preparing the budget.

Mr. Gunderman mentioned to the Council that three Eagle Scouts have asked him about their projects. Mr. Gunderman asked what Borough official should the Scouts should go to.

Joe Martinez, 39 Woodland Road, stepped forward. Mr. Martinez asked if recreation could purchase the sign if we know we have the funds to purchase it and wait for the electrical work.

Mr. Giordano stated the funds in question for electrical work is \$1275.00. The Council continued to discuss the sign and the funds.

Mrs. Gardell commented the sign should not be held up any longer waiting for the budget hearing. Mr. Kulsar commented maybe we can move forward later in the meeting.

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

Mr. Giordano made a motion to buy the sign from Stewart Signs purchase price \$5,617.00 with \$658.00 in free. Their quote number is 753092/1. Seconded by Mr. Kulsar.

Mr. Ursin said the motion and second has to be subject to the CFO certifying available funds. Mr. Ursin said you can't make a purchase without the CFO certifying available funds.

Mr. Giordano said he amends his motion subject to the CFO certifying the funds available without being stonewalled, told they are not available, pushed two months and giving six excuses, he would like to know by the end of the week. Mr. Kulsar seconded.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

NEW BUSINESS

Mayor Crowley asked Mrs. Gardell to discuss on Item #4 that was taken off the consent agenda.

Mrs. Gardell said the Zoning Board 2011 decisions and a memo forwarded from Mr. Kilduff. Mrs. Gardell commented in the report it looks like recommendation from the Zoning Officer items for the Mayor and Council to discuss and if the Council thought it was appropriate go to Planning for consideration for amendments to the code. Mrs. Gardell asked Mr. Kilduff if that was correct.

Mr. Kilduff stated over the year the zoning officer sends memos for things she would like to see addressed in an ordinance. There was no recommendation from the Zoning Board when we adopted the resolution they acknowledged those things in the report but they didn't make a recommendation to change the ordinance. Mr. Kilduff commented these are things we can look into when an ordinance is done or redone.

Mrs. Gardell made a motion to accept for correspondence item #4 the 2011 Statutorily Mandated Report of Zoning Board decisions. Second by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Reorganization Meeting held on January 3, 2012. (Absent: Zschack) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Discharge of Mortgage Discharge Block 66.01 Lot 9

Mr. Snyder made a motion to confirm the Discharge of Mortgage on February 14, 2012 for Carolyn Norman, 276 Munsonhurst Rd. Franklin, Block 66.01 Lot 9 in the amount of \$10,700.00. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Resolution 2012-16 Promotion to the Position of Borough Tax Collector

Mr. Snyder made a motion to adopt Resolution 2012-16 of the Governing Body of Franklin Borough Authorizing Promotion of Theresa Schlosser to Borough Tax Collector at an annual salary of \$49,000. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Resolution 2012-17 Hiring of a Part-Time Court Attendant

Mr. Snyder made a motion to adopt Resolution 2012-17 of the Governing Body of the Borough of Franklin Authorizing the hiring of part-time Court Attendant Edward L. Curry at the rate of \$22.00 per hour at a minimum of three hours per session commencing on or after February 29, 2012. Seconded by Mr. Giordano.

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Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Increase in Part-Time Secretary hours

Mr. Snyder made a motion to increase part-time Secretary Darlene Tremont hours from 29 hours per week up to 35 hours per week at the same rate of \$15.00 per hour.

Mr. Kilduff clarified going to 35 hours is full time; he wants to make sure the Council is aware of that. Mr. Giordano said we were under the understanding that Mrs. Tremont was not going to be requiring benefits. Mr. Kilduff said we need to clarify that as well. Mr. Kilduff said according to the policy 30 hours a week the individual employee is entitled to receive holiday, vacation and sick days during the calendar year but not a carry over. It doesn't specify personal days or medical.

Mr. Snyder said he believes that we had discussed that and what she would receive as far as time off as a 35 hour part time employee. Mr. Snyder said if Mrs. Tremont was not taking the health benefits that there is a stipend that applies to other part time 35 hour employees that have that.

Mayor Crowley made the Council aware that she may not need the benefits now but she may in the future.

Mr. Kulsar stated this was premature there were other things discussed that are not on the agenda tonight and this one is on the agenda.

Mr. Giordano commented we were under the impression Mrs. Tremont would be vacating the crossing guard position.

Mayor Crowley said that would not matter as far as the benefits; if she is working for the Borough for 35 hours she will be full time, she would get all the benefits of any other full time employee.

Mr. Snyder said his understanding with the 35 hours she would be able to get the time off the other employees get; she was not going to receive health benefits because she already had benefits. Mr. Snyder commented he understands that could change.

The Council had a discussion on stipends for employees.

Mayor Crowley said at this point we have a motion is there a second. There was **no** second for the motion.

SCUMA Tipping Fees Increases

Mr. Snyder made a motion to approve payment to Blue Diamond for SCUMA tipping fee increases commencing January 1, 2012. Seconded by Mr. Limon.

The Council discussed the tipping fees and how the tonnage is determined.

After the lengthy discussion on the payment to Blue Diamond for SCUMA tipping fee increase Mr. Ursin advised the Council they can table the discussion until the next meeting to solicit further proposals

Mr. Snyder made a motion to table the discussion on approving payment to Blue Diamond for SCUMA tipping fee increases. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

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School Board Election Change

Mayor Crowley informed the Council that the Franklin Borough Board of Education as changed the date of their general election to the November elections. Mayor Crowley commented he has not found out about Walkkill Valley at this time.

Centennial Discussion

Mayor Crowley stated he had hoped to have a name of the Chairman for the Committee. The discussion will be brought up at the next meeting.

Contract with Metromedia Energy

Mr. Snyder made a motion to award a two year contract with Metromedia Energy for purchase of natural gas at a fixed price of \$54.5 cents/therm. Seconded by Mr. Limon.

Mr. Kilduff commented there is an alternate motion for three years \$.55 cents/therm. Mr. Kilduff said our contract for Metromedia Energy for natural gas expired the end of January. We obtained additional pricing. Mr. Kilduff explained what had been done with the prior administrator. Mr. Kilduff said the gas prices are at an historic low.

Mr. Kilduff reviewed with the Council other prices he received from other companies. The Council discussed whether to have a two or three year contract.

Mr. Snyder amended the motion to award a three year contract to Metromedia Energy for the purchase of natural gas at a fixed price of \$.55 cents/therm. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Mayor Crowley stated he would like to reappoint Joe Martinez to Recreation Committee.

Mr. Giordano made a motion to reappoint Joe Martinez to the Recreation Committee. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Giordano made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:37 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

Mr. Snyder made a motion that we increase secretary of the police department Wendy Burges from her current salary of \$15.46 to a dollar increase to \$17.46 as per recommendation of the Acting Chief Eugene McInerney. Seconded by Mr. Giordano.

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Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Mr. Snyder made a motion to increase the part time secretary Darlene Tremont hours from 29 hours per week to 34 hours per week at the same rate of \$15.00 per hour as terms and conditions of the employee handbook. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Mr. Giordano made a motion to accept the police chief contract pending attorney review by the acting chief attorney as presented. Seconded by Mr. Kulsar.

Mr. Giordano stated the contract as presented with the changes agreed to on section 3 line A and section 14 line 3; as agreed to by the Chief several moments ago. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon,

Nays: Gardell Absent: Zschack Abstentions: Snyder

Mayor Crowley congratulated Chief Eugene McInerney.

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 9:40 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk