

**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 28, 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."

PRESENTATIONS

Nicholas O'Conner 49 North Shore Dr., Wantage, stepped forward to explain to the Council his Eagle Scout Project. Mr. O'Conner passed out to the Council packets that the Council referred to as he explained his project. The project consisted of signs by the Franklin Pond Area. This signs will show the history of Franklin, the hospital, mining and what Franklin became to be.

The second page of the handout showed details, funds which will be donations. The third page explained the signs and the tools that will be needed to build the sign. It will be two signs total. The final page showed the location of the signs.

The Council asked Mr. O'Conner questions on his project and the signs.

Mr. Snyder made a motion to accept Nicholas O'Conner Eagle Scout Project as presented. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Andrew Sullivan, Franklin, stepped forward; to explain to the Council his Eagle Scout project. Mr. Sullivan handed out packets to the Council that Mr. Sullivan referred to while he explained the project to the Council. His project will be a bird observation structure at the pond. Mr. Sullivan explained the location of the project, the materials and tools that would be used, materials would be through donations and adults would supervise when using the power tools.

The Council asked Mr. Sullivan questions on his project.

Mr. Snyder made a motion to accept Andrew Sullivan Eagle Scout Project as presented. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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 February 16, 2012 to Mr. Edward L. Curry from Jim Kilduff, Administrator Re: Employment with Franklin Borough.

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2. Letter dated February 14, 2012 to Franklin Borough Mayor & Council from Kenneth A. Wentink, P. E., L.S. Re: Block 74 Lots 16 & 17.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

- 1.
- 2.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending machine license renewal for Shop Rite of Franklin, 270 Rt 23 Franklin.
2. Vending machine license renewal for Vendomatic Inc. 1844 Bookfield Ct, Frederick, MD 21701 located at Dollar Tree.
3. Vending machine license renewal for Coca Cola Refreshments USA Inc. 521 Lake Kathy Drive, Brandon, FL 33510 located at Wal-Mart.
4. Vending machine license renewal for Anytime Fitness 100 Route 23 N. Ste. 11 Franklin.
5. Franklin Borough Crime Watch is requesting the use of the Senior Center for March 15, 2012 meeting starting at 7:00PM.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 28, 2012.

Mr. Limon made a motion to approve the consent agenda of February 28, 2012. Seconded by Mr. Giordano.

Mr. Snyder questioned a vending machine license that was on the consent agenda. The application was for Coco-Cola vending machines located at Wal-Mart 23 Ogdensburg way. Mr. Kilduff said it has the correct store number. Mayor Crowley said we can pull it or pass it as it is and give them a call.

Mr. Snyder stated he would like the application pulled until we find out why that address was on the application and have the application corrected.

Mrs. Gardell questioned the correspondence regarding a crime watch meeting at the Senior Center. Mrs. Gardell asked if we had a facility use form. Mayor Crowley state this item can be pulled of the consent agenda or let it go. Mrs. Gardell said to let it go.

Mr. Limon amended his motion to pull the vending machine license renewal for Coca-Cola located at Wal-Mart with the address Ogdensburg way. Mr. Giordano amended his seconded.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar had nothing to report.

Mr. Zschack reported the budget committee has met a few times in the last few weeks. The personal committee has also been working on the police negotiations which will be discussed in executive session.

Mr. Limon had nothing to report.

Mr. Snyder reported the personnel committee has been conducting interviews for the zoning office which will be a part time position

Mr. Giordano reported at the recreation meeting the scout projects were approved. They also had a special meeting to go over basic things with baseball and softball.

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Mrs. Gardell had nothing to report.

Mr. Ursin had nothing to report.

Mr. Kilduff reported from his administrator's report Evans Street drainage improvements, introduction of the municipal budget will be March 13, 2012, Blue Diamond's request for tipping fee increase, Planning Board public hearing on February 21 on the Redevelopment of Area A and Rehabilitation of Area B. The administrator report is on file in the Clerk's office. Executive session was requested to discuss several contracts.

Mayor Crowley informed the Council that he will be on vacation from March 13-24. Mayor Crowley commented on stipends for Council members. Franklin is one of the lowest in the county. Mayor Crowley suggest a small stipend increase for the Council, he is not asking an increase for the Mayor just Council. They have one of the lowest stipend.

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 Mrs. Gardell. All were in favor.

Joann Tatka 151 Maple Road stepped forward. Mrs. Tatka asked what Mr. Ed Curry would be employed at. Mr. Kilduff stated Court Attendant. Mrs. Tatka questioned the Morris County Co Op that is on the agenda. Mrs. Tatka asked if changing the lot and block numbers was a cost to the Borough. Mrs. Tatka questioned the increase if hours for the part time secretary from 29 hours to 35 hours. Mrs. Tatka questioned the Blue Diamond tipping fee increase.

Emily Basilwitch, 1 Mill Street, Franklin stepped forward. Mrs. Basilwitch asked who was in charge of the lights in town and who maintains them. Mayor Crowley commented JCP &L; if you see one out get the location and the Borough will call it in.

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

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on January 10, 2012. (Absent: Kulsar) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mr. Snyder made a motion to approve the meeting minutes of the Executive Session held on February 14, 2012. (Absent: Zschack) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

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SCUMA Tipping Fees Increases

A discussion was held at this time regarding payment to Blue Diamond for SCUMA tipping fees increase.

Mr. Kilduff informed the Council he received a letter dated February 24, 2012 from Blue Diamond proposing the fee increase by \$1,000 a month to offset the increase in the disposal costs with additional and tipping fees. Mr. Kilduff commented Blue Diamond asked the Borough to pay that money; based on the weight receipts that they submit each month.

Mr. Bob Dorber, representing Blue Diamond stepped forward. Mr. Dorber explained to the Council why Blue Diamond was requesting the increase for the tipping fees. The Council had a Council on these fees.

Mrs. Gardell said for the record the scale tickets that were submitted with the January invoice did that total up for an increase of tonnage multiplied out by the seven dollars a ton increase. Mrs. Gardell commented that was \$1,158 with Blue Diamonds proposal the \$1,000 per month is looking at a high and low figure

Mr. Zschack asked if there were provisions on the current contract for an increase. Mr. Kilduff said yes, they have to ask the Borough; which they are doing now. Mr. Kulsar questioned if this price will stay for the three year contract. Mr. Zschack asked if this price was budgeted for at the budget meetings. Mr. Kilduff said he did speak to Mrs. Miabech about the increase; she put money into the contract for this.

Mr. Giordano thanked Blue Diamond for doing a good job; things started out a little rocky but they do a good job.

Mr. Giordano made a motion to accept the increase of \$1,000 per month per the letter from Blue Diamond. Seconded by Mr. Kulsar.

Mr. Kilduff commented this would commence from January when the rate went up. Mr. Giordano amended his motion to accept this increase retroactive to the SCUMA increase in January. Mr. Kulsar seconded the motion.

Mrs. Gardell asked if this should be attached as an amendment to the contract. Mr. Robert McBriar said we will have memorialization through the motion that would be sufficient.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-18 Agreement with Morris County Cooperative Pricing Council

Mr. Zschack made a motion to adopt resolution 2012-18 authorizing execution of an agreement with the Morris County Cooperative Pricing Council to Renew Membership therein for the period of October 1, 2011 through September 30, 2016. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Position of Head Crossing Guard

Mr. Zschack made a motion to appoint Lynn Prtorich as head crossing guard at the rate of \$14.06 per hour. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Zone Change for Block 70 Lot 3.

A discussion was held at this time on a zone change for Block 70 Lot 3 from multifamily zone to highway commercial. This lot is the location of the American Legion. This came up because the American Legion wanted to make some improvements and the Zoning Officer recommended the American Legion should be in the Highway Commercial Zone. It is now in the Multifamily Zone.

Mr. Kilduff explained to the Council what Land Use Procedure would be involved in the Zone Change. The Council discussed the cost that would be involved with the zone change. Mayor Crowley stated for the record the American Legion came to him and wanted to make improvements to cover the sidewalks in front of the American Legion and around the side. Now the water comes off the top, goes on the sidewalk and freezes. They would like to add gutter, it is a very good project; the American Legion is obviously a nonprofit. They were trying to do it with as little expense as possible; then they ran into needing to get a variance. They could not get a building permit; we were trying to help them do this with as little expense as possible. This brought up the zoning problems.

The Council had a discussion on noticing all the owners in the condos 200 feet from the American Legion, whether or not to change the zone and the American Legion is a place for voting on Election Day.

Centennial Discussion

Mayor Crowley informed the Council that he had asked Judy Williams to get together a small committee to work on the Centennial Celebration. Then came back to the Council with some ideas they have for this celebration. We are going to join in with the Fireman and the Fireman's County parade beyond that there are other aspects that need to be looked into. Mr. Zschack asked if Judy Williams agreed to do that. Mayor Crowley commented yes.

Evans Street Drainage

Mayor Crowley said there has been a problem with drainage going off of Evans Street down into the cemetery. In the past they have set up a piping situation to get some of the water away from where it was eroding parts of the cemetery and along the cemetery. Mayor Crowley commented the cemetery on Oak Street is abandoned we have done a title search on it a few years ago; it goes back to a Baptist Church way back, there is no one taking responsibility for the cemetery. Mayor Crowley stated this is an ongoing project all over the State of abandoning cemeteries; basically it comes back to the Borough as our responsibility. We have two choices, either take responsibility and do the maintenance in the cemetery or take the responsibility of moving the cemetery into an active cemetery. Obviously that is almost impossible.

Mr. Kilduff explained to the Council proposals from the Borough Engineer on how this problem can be fixed. One way to fix the problem was to put a new drainage line from the low spot on Evans Street, down the street then either crossing over onto Borough owned property on the far side of Evans Street on the route up to the water tank or to continue it further down to the Buckwheat dump. The second proposal would involve about 500 feet of drain pipe to be installed along Evans Street. The other option is about 350 feet. The question right now is a rock, if rock is encountered this would have to be hammered and be an increase in the costs. Mr. Kilduff commented one proposal is the Borough doing the work and the other is contracting this work out; the costs difference is substantial.

The Council discussed the two proposals, costs and if there was rock. Mr. Kilduff asked the Council if they would like to add this into the budget appropriations. Mr. Zschack stated he would like to look at situation himself to see if this is warranted.

Mayor Crowley added the cemetery is becoming the town's problem. The sheriff department goes in there once a year to clear the brush.

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Recreation Appointment

Mr. Snyder made a motion to appoint Keri Marino to the Recreation Committee as member effective immediately. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

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

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:25 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

Mr. Kulsar commented the last meeting in March and the first meeting in April he will be out of town. Mr. Kilduff stated for the March 13 meeting he will not be present.

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:25p.m., seconded by Mrs. Gardell. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk