

**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
March 27, 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 March 9, 2012 from State of New Jersey Department of Education Yut'se O. Thomas, Director Office of School Finance Re: 2012-2013 Municipal Percentage shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L.209,c.78.
2. Letter dated March 15, 2012 from Melissa Rockwell, Sussex County Tax Administrator Re: Final Equalization Table
3. Sussex Borough Resolution 2012-42R, Resolution opposing the Proposed Legislation Known as the New Jersey Public Water Supply Fluoridation Act (A1911/S959).
4. Notice of the Proposed Sale of Real Property Owned by the County of Sussex Known as 129 Morris Turnpike, Also Known as Lot 4 in Block 21 as shown on the tax maps of the Township of Frankford, County of Sussex, State of New Jersey.
5. Letter dated March 22, 2012 from James C. Kilduff, Administrator to Mary Alonzo, President Franklin Borough Board of Education Re: Franklin Borough Budget.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court report for January 2012.
2. Construction permit activity report for February 2012.
3. Franklin Borough Police Department report for February 2012.
4. Municipal Court report for February 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Wallkill Valley Little League Calendar raffle license, to be held May –July 2012 6PM Saturday at the Franklin Pond.
2. John Cocula Scholarship Fund Inc. on-premise raffle to be held on June 29, 2012.
3. Cub Scout Pack 90 to hold Soap Box Derby, Sunday May 20, 2012 from 9:00PM to 5:00 PM.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

Mr.Zschack made a motion to approve the consent agenda of March 27, 2012. Seconded by Mr. Limon

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 reported there is a recreation meeting tomorrow night and on Thursday there is a joint recreation meeting in Hardyston.

Mr. Snyder advised the Council he was present at the presentation for the school budget; they introduced the budget, there would be an increase of \$36.00 per \$100,000 assessment on a home. Also a letter was read in regards to the crossing guards and the position as to where the crossing guards needed to be. Mr. Snyder commented that the Chief of police makes the decision as to crossing guard position. Mr. Snyder requested executive session in regards to one personnel matter.

Mr. Giordano reported an update on the sign that was ordered by recreation. The sign should be shipped sometime this week.

Ms. Gardell had nothing to report.

Mr. Ursin updated the Council on a law suit the Borough had that involved Transbanc and Reecology. This week there was a settlement of \$14,000, reimbursing the Borough for the majority of its costs. Mr. Ursin was pleased with that result.

Mr. Ursin commented the Douma matter is proceeding through the grievance process. There is an arbitrator that will begin to move the case along sometime in the next month or two.

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

Borough Sites and Street Issues

The joint recreation meeting at Hardyston Township is scheduled for Wednesday the 28th at 7pm. The Littell Center fees will be the primary topic of discussion. A follow-up meeting on the 29th will cover the topic of field usage.

Financial Controls/Legal Issues

Today our benefits consultants advised that Horizon is proposing a one year renewal rate increase of 2% and for groups opting into a 2 year agreement, a 4% increase. They are recommending a 2 year agreement. The rates are expected to increase in July.

April 10th has been set as the public hearing date for the Borough's 2012 budget. The Council is in the process of reviewing and amending the introduced budget. Under advice of legal counsel, if the governing body is lacking a majority of the full membership (4 Council members) needed to adopt a budget, a public hearing may still be held; however, action on the budget should be tabled. Amendments to the budget will also require a majority of the governing body (4 council members) for introduction and adoption.

The State has set the first meeting of the governing body after April 20th as the deadline for adoption of the 2012 budget. The Borough's deadline is the Council meeting of April 24th.

There are several factors affecting Franklin's budget for 2012 that represent significant deviations from the prior year. The Borough has seen increases in utilities, fuel costs, solid waste removal and pensions. In 2012 the net value of all properties forming the Borough's ratable base dropped significantly. In 2011 the net valuation was \$473,912,265. For 2012 the net valuation declined to \$465,191,273. This change impacts the tax rate as the ratable base shrunk by \$8,720,992. In addition, total general revenues decreased significantly as Franklin concluded several interlocal agreements with Hardyston while other sources of revenue (e.g.

PAGE THREE OF THE MINUTES OF MARCH 27, 2012

permit fees) were also down. General revenues of \$1,665,374 represented in the 2011 budget, are down to \$1,499,506 for the 2012 budget. The revenue decrease of \$165,868 impacts the 2012 budget.

Overall, the total budget for 2012 is down (\$75,463) or (1.27%). The decrease in the general revenues of \$165,868 less the budget decrease of \$75,463 leaves a balance of \$90,405 which is the increase taxpayers have to pick up in the Amount to Be Raised by Taxation.

The introduced budget would raise municipal taxes by \$6.52 a month (\$78.25/year) for the average home assessed at \$215,403. On March 21st, the Council conducted a public workshop and discussed cuts that would further reduce the tax increase to \$5.57 a month (\$66.80/year).

Operational/Personnel Matters

The Administrator has received advice from Acting Chief McInerney that a meeting was conducted among participating Chiefs of Police regarding the disposition of the tactical team. Chiefs were in agreement that the critical response unit will be discontinued due to lack of funding support for this program.

A new contract has been executed for the Chief of Police position. The two year contract is for 2012 and 2013. Eugene McInerney, who has been serving as Acting Chief of Police since Chief Kistle's retirement, will be sworn in on Friday, March 30th. Gene has done an excellent job as Acting Chief and is to be congratulated on his promotion to the highest rank within the Franklin Police Department.

A ceremony will be conducted Friday, March 30th at the Firehouse for the swearing in of 3 new sergeants and a lieutenant. These individuals are to be commended on their promotions: for Lieutenant, Jeffery Smith; for Sergeant, Gregory Cugliari, Leo Kinney and Seamus Geddis.

Land Use Matters

The Planning Board has approved the report prepared by the Planner for Area "E", redevelopment. This area includes properties on both sides of Rte. 23 at the south end of the Borough. The next step is a public hearing by the Planning Board. Two other areas are on the agenda for discussion. These areas include (the Zinc Mine and related properties out to Rt.23 and the Main Street area (for rehabilitation).

Long-term and Capital Projects

Evans Street drainage improvements can be fully as a capital improvement project which will utilize \$20,000 out of budget and the balance through a capital improvement ordinance, for a total of \$35,000.

Executive Session

An executive session is requested to discuss personnel.

Mayor Crowley reported there is a meeting tomorrow at Hardyston regarding the Fields. Mayor Crowley commented the spring fling will be held at the Firehouse on April 22. Mayor Crowley stated the soap box derby is also coming up. Mayor Crowley commented NJDOT looked at the speed limit on 23 to be adjusted; the State will not lower the speed limit.

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.

Sally McGrath, 7 Walsh Road, Franklin, stepped forward. She is treasurer for Franklin Historical Society. Mrs. McGrath stated every year for about 9 years we

PAGE FOUR OF THE MINUTES OF MARCH 27, 2012

have used the Littell Center for our annual fund raiser of the Train Show. It is a joint venture with the Sussex County Railroad Club. Mrs. McGrath questioned why the Historical Society has to pay \$200.00 a year for that event. Mrs. McGrath asked if the Council could waive the fee.

Mr. Giordano stated he had talked to Marianne Smith and they should not be charging for that fee. Mr. Giordano informed the Council he was told that it was up to us (the council) if the fee should be waived.

Mayor Crowley asked why is there a fee.

Mr. Giordano commented that the Council should waive the fee.

Mrs. McGrath stated the Historical Society already paid \$100 of the fee.

Mayor Crowley wanted to check on this matter and have it placed on the agenda for the next meeting. Mayor Crowley commented we need to look into this.

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka questioned the liquor license. Mrs. Tatka asked about the appointment of Joe Drossel as Zoning Officer. Mrs. Tatka asked about the ordinance on the agenda tonight. Mayor Crowley said this is an ordinance the Borough passes every year.

Monica Miebach explained the ordinance regarding the cap bank.

Mrs. Tatka asked about redevelopment that was before the Planning Board.

Mayor Crowley explained redevelopment and rehabilitation of Area's A, B and E.

Mike Gunderman, 22 Jenkins Road, Franklin. Mr. Gunderman asked how it is allowed to let farm animals in an R-1 residential area. Mayor Crowley stated this is up to the Zoning Officer, is it considered farms or pets. Mr. Gunderman stated it is a gray area as far as farm animals and domestic animals.

Ed Allen, 36 Jenkins Road, Franklin, stepped forward. Mr. Allen had a copy of the ordinance which he referred to; he is upset about having donkeys at the property next to him.

Mayor Crowley commented we are looking into this situation.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch informed the Council that lights are still out at the Senior Center. Mrs. Basilwitch voiced her concern in regards to vacant property in the Borough.

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 Mrs. Gardell. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

(Note): No minutes completed for approval.

Adoption of Ordinance #1-2012 to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP BANK

Mr. Snyder made a motion to adopt Ordinance #1-2012 to exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14) Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #1-2012. No one from the public stepped forward.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-25 approving Person-to-Person liquor license transfer.

Mr. Snyder made a motion to adopt resolution 2012-25, person to person Plenary Retail Consumption License Number 1906-33-005-007 transfer from F.H. Restaurants LLC. to Franklin Silver Ducat II LLC. (This is a pocket license) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: Giordano

Position of Substitute Crossing Guard

Mr. Snyder made a motion to approve Margaret R. Wellenheider for the position of substitute crossing guard to begin training on April 16, 2012 as recommended by Lynn Warr Prtorich Heading Crossing Guard. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Redevelopment and Rehabilitation recommendation from the Planning Board.

A discussion was held at this time regarding a resolution from the Franklin Borough Planning Board Recommending Areas in need of Redevelopment & Rehabilitation to the Mayor & Council.

Mr. Kilduff commented in the packets is a resolution from the Franklin Borough Planning Board. Mr. Kilduff stated this Council authorized the Board to study five areas; 4 studies are for redevelopment and the one is for rehabilitation. Mr. Kilduff explained the location of Area A and Area B. The Planning Board held the public hearing on these two areas and now the matter is forwarded to the Council for their consideration and action. Mr. Kilduff said there are three more areas the Planning Board is scheduling a hearing on Area E.

Mayor Crowley said you can approve this at this point or wait or have further discussion. There is no pressing reason to do this at this point. In the future this should be done. The Council discussed the studies and whether or not to act on these two areas or wait until the other area studies are done.

Mayor Crowley commented the consensus he is hearing is the Council doesn't want to take any action tonight wait and get more information of the other areas from the Planning Board.

Mrs. Gardell requested that the reports be changed to reflect the new block and lot numbers. Mr. Kilduff commented the next notice has the old and new block and lot numbers; at the time these studies were conducted we were all operating under old block and lot numbers.

Resolution 2012-26 Adopting the Appointment of Probationary Zoning Officer.

Mr. Snyder made a motion to adopt Resolution 2012-26 of the Governing Body of the Borough of Franklin, Authorizing the Appointment of Joseph Drossel as part time Probationary Zoning Officer for a period of 6 months up to 20 hours per week at an hourly rate of \$30.00. Seconded by Mr. Limon.

PAGE SIX OF THE MINUTES OF MARCH 27, 2012

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mr. Snyder made a motion to approve up to 19 hours secretary time for part time employee Ann Grabkowski. Ms. Grabkowski will assist in the land use office at her current rate of \$13.15 per hour. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

2012 Municipal Budget

Mayor Crowley stated his concerns and his reasons for the concern on the line by line cuts that were made to the budget.

Mr. Zschack reviewed changes that were made during the Workshop. The current fund salary and wage line was reviewed and discussed by the Council.

Mr. Kilduff said the following items were not taken into consideration when the Council did the budget cuts, unemployment expense, clerk's classes, charge for dissolution of the Tax programs due to termination of the shared service, MSI computer maintenance, underground storage oil tank, to look into other health providers you need an experience rating and there is a cost involved in that and there is nothing in the budget for litigation if something should come up. Mr. Kilduff stated the Council needs to be aware of these things that are not funded.

Mr. Zschack asked if the Council should add amounts to those lines or are you informing us that there could be a shortage. Mr. Kilduff said these items have not been budgeted for. Mr. Zschack commented you are not asking us to look to put additional money into the budget. There was a discussion on these items not in the budget, if there should be any further cuts to the budget, if the Council should go with the introduced budget or to make the amendments that were discussed at the workshop.

Mayor Crowley stated his opinion would be to go back and pass the budget that was presented by Monica, Jim and the Council committee. If there are lines that hopefully will not be used and that would be used to get our fund balance up.

Mrs. Gardell commented she agrees with the Mayor; she was reviewing cuts we made through the workshop it really is of similar magnitude as these unfunded expenses are real ones. We need training for Robin and some of these things budgeted for. Mrs. Gardell stated to pass the budget as introduced would be the most prudent way of doing it.

Mr. Kilduff commented to eliminate the amendment. Mrs. Gardell stated to have no amendment.

Mr. Giordano stated he likes the cuts.

The Council continued to discuss whether or not to go with the introduced budget or the budget amendment that was discussed at the workshop.

Mr. Zschack stated he is tossing the idea of the introduced budget and the cuts we did make at the budget workshop meeting. He isn't sure yet where he stands on that or to do any more cuts at all at this point.

Mr. Giordano commented he would agree with that; he came into this meeting with looking at additional cuts. Mr. Giordano said he thinks he can be comfortable with cutting what we did at the last meeting but he can't agree with the budget on how it was introduced.

PAGE SEVEN OF THE MINUTES OF MARCH 27, 2012

Mr. Giordano commented he would like to see as low an increase as possible. We need to look closely with areas that we have structural overtime and overtime problems.

Mr. Snyder said he agrees with the amended cuts that we did at the last meeting. Mr. Snyder commented he was not in favor of cutting anymore; he believes what we did with the amendment side of it, he was comfortable with that. Mr. Snyder stated you never know what is going to happen, if something does happen we hope we have enough to fund it.

Mr. Zschack asked you would be comfortable with the cuts made at the budget workshop. Mr. Snyder said that is correct.

Mr. Limon stated he was looking to cut more off the budget; in light of the information he just heard he would settle with no less than the amended proposal from the workshop.

Mr. Zschack stated we have a consensus; we have three going to stay with the cuts we did make at the budget workshop and to make those amendments to the introduced budget.

Mr. Kilduff asked Mr. Ferry where the fund balance was and what is the recommendation. Mr. Ferry explained this to the Council. There was a discussion on the fund balance and Moodies bond rating.

Mr. Zshack asked if this information changed anyone's mind on the introduced budget or the amended budget. Council members stated no. Mr. Zschack stated we can wrap up this conversation on the budget with that the next meeting; the Council expects to see the amendments made to the introduced budget.

Mr. Kilduff commented we are going to have a public hearing on the April 10th and he understands there may be several Council members out so we won't have a full voting majority. In order to introduce an amendment to the budget we will need a full majority of the Governing Body. That means we will defer the introduction until the Public hearing, and adoption on April 24th. On the night of the April 24th we can anticipate amending the budget as presented and voting on the amendments as well as the budget.

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. Zschack

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:59 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Snyder informed the Council the Monica sent him an email with regards to the grant with the Fire Department. Mr. Snyder asked Mr. Limon if he presented it to anyone that could follow through with the grant. Mr. Limon replied he received the information and he will pass on the information.

Mr. Snyder told that Council that he knows someone that does Grant writing. He asked if the Council would like him to check into doing grant writing to see what is available. The Council had a discussion on grant writing, hiring someone to write

PAGE EIGHT OF THE MINUTES OF MARCH 27, 2012

grants for the Borough and having their pay based on the success of the grant submitted.

Mayor Crowley said while he was away there was a structure fire in town and the Fire Department did a great job in saving the building. Mayor Crowley asked Mr. Limon to pass that on to the Fire Department.

Mrs. Gardell wants to follow up on the pet ordinance and the lack of clarity in the Boroughs ordinance. Mrs. Gardell talked to Ken Nelson regarding this matter and he was suggesting review of ordinances and revision to some of the ordinances. Mrs. Gardell commented pets aren't defined, domestic animals aren't necessarily defined; we really should look at our ordinances. There was a discussion on the situations regarding pets versus farm animals.

There was a brief discussion on the inventoried tactical equipment.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zshack made a motion to adjourn the meeting at 9:12p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk