

**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
April 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. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar, Mr. Limon, Mr. Snyder

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."

Public Hearing on 2012 Budget

Monica Miebach, Franklin Borough's CFO and Thomas Ferry Borough Auditor were present for the budget hearing.

Mr. Ferry explained to the Council and the public an analysis of the budget. This is the public hearing portion on the introduced budget it is not based upon the amendment that was made to the budget. The public hearing has to be on the introduced budget. Using the handout Mr. Ferry explained the budget; increases, decreases, public and private revenues, capital improvements, shared services, debt service, reserve fund for uncollected taxes, estimated school and County rates, water and sewer and gave an analysis of the tax rate.

Mr. Ferry explained the budget with changes; each line item change was below the 10 percent threshold. Mr. Ferry commented at the April 24th meeting we will introduce the amendment, have a public hearing adopting the amendment and then adopting the budget.

Mayor Crowley opened the meeting to the public for any comments regarding the 2012 Budget.

Joann Tatka, 151 Mable Road, Franklin, stepped forward. Mrs. Tatka commented that with all the cutting and making part timers she can't believe that only \$75,000 was saved out of salary and wages.

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. Memo dated March 26, 2012 to Chief Gene McInerney from Jim Kilduff, Administrator, Re: Police Chief Contract
2. Letter to the Taxpayers of Sussex County from Mike Strada, received March 27, 2012.
3. Letter dated March 22, 2012 to Mayor Crowley from Chris Christie, Governor.
4. Letter dated March 27, 2012 to Jim Kilduff, Administrator from Thomas N. Turner, ED.D. Superintendent.
5. Letter dated April 2, 2012 to Mayor and Council from Hamburg Medical Associates, P.C. Dennis Fielding, MD and Amy Geison, M.D.
6. Letter dated April 2, 2012 to Ms. Pointin-Hahn, NJDEP from Jim Kilduff, Administrator RE Franklin Borough, SRP PI: 003685.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health activity report for February 2012.
2. Construction permit activity report for March 2012.
3. COH report for March 2012
4. Fire Marshal activity report for March 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 10, 2012.

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

COMMITTEE REPORTS

Mr. Zschack had nothing to report.

Mr. Giordano reported the sign was delivered and looks good.

Mrs. Gardell commented on the clean communities program.

Mr. Ursin had nothing to report.

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

Mayor Crowley reported the Girl Scout Garage sale will be April 28, Senior Spring Fling is coming up and there will be a Cleanup date sponsored by the EDC who will then be asking for volunteers to go out and pick up trash.

OPEN PUBLIC SESSION

Mrs. Gardell 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.

Ms. Garren 42 Mountain Trail, Sandyston stepped forward. Ms. Garren was representing save the Homestead Committee. Ms. Garren requested the Council to adopt a resolution to save the Homestead at a previous meeting. The Borough's attorney advised against that at the time. Ms. Garren asked if there is any intention to discuss adopting a resolution and asked to reconsider. At this time she has approximately 6 other towns that have passed a resolution on the matter.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch is concerned about the parking problem in front of the Catholic Church. Mrs. Basilwitch asked if the County had been advised of this problem.

Mayor Crowley replied it is a County road and they have been advised of this.

Mrs. Basilwitch asked about a traffic study on Route 23. Ms. Basilwitch also asked about changing the time on the traffic light by Wal-Mart or adding a traffic light by Weis.

Mr. Kilduff commented that the Borough officials meet with DOT concerning a light at Weis.

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

OLD BUSINESS

Mrs. Gardell commented on regional field scheduling. Mrs. Gardell attended several regional meetings. There was a brief discussion at this time on the scheduling of fields.

Mayor Crowley said the first things would be to have Recreation look into this before the Council gets involved.

Mr. Giordano explained the scheduling of the fields.

The discussion continued on field use.

Mayor Crowley suggested bringing this concern to the two council members that are on the recreation committee so they can go back to recreation with suggestions.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Giordano made a motion to approve the meeting minutes of the Executive Session held on March 27, 2012. (Absent: Kulsar) Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

Appointment of EDC member

Mr. Giordano made a motion to appoint David Fanale as a member of the Franklin Borough Economic Development Committee. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

Resolution # 2012-27, all hazards pre Disaster Mitigation Plan

Mr. Giordano made a motion to adopt Resolution #2012-27, of the Governing Body of the Borough of Franklin, Sussex County, New Jersey All Hazards Pre Disaster Mitigation Plan. Seconded by Mr. Zschack.

Mr. Kilduff explained the plan to the Council. Mr. Jim Williams's emergency coordinator has been in attendance at the County meeting and brought the plan to his attention. Mr. Kilduff explained flood areas that were in the plan.

There is flood proofing for Immaculate Conception School. Mrs. Gardell asked what does that mean. Mr. Kilduff said that is all that is said in the report pages that he saw. These were recommendations that were made by Mr. Williams at the meetings.

There was a discussion on whether or not Immaculate Conception School should be in the Mitigation Plan.

Mr. Giordano amended his motion to table Resolution #2012-27, of the Governing Body of the Borough of Franklin, Sussex County, New Jersey All Hazards Pre Disaster Mitigation Plan. Seconded by Mr. Zschack.

Mayor Crowley asked for a roll call to table the resolution.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

PAGE FOUR OF THE MINUTES OF APRIL 10, 2012

Resolution #2012-28 Authorizing Cancellation of Funds

Mr. Giordano made a motion to adopt resolution #2012-28 Authorizing Cancellation of Funds within the Borough's Outside Police Work Trust Account. Seconded by Mr. Zschack.

Mayor Crowley explained the trust account. Council members asked questions regarding the resolution, the trust account and the money being used for a police vehicle that will be used as a detective vehicle.

Mr. Zschack asked the only thing we are approving tonight is the removal of this money from the trust fund.

Mr. Kilduff stated action has to be taken; this is not on the agenda but a separate motion needs to be taken to purchase this vehicle.

Mr. Ursin replied yes; you have to take action to purchase a vehicle.

Mr. Kilduff advised the Council; this used vehicle the Chief has found is being held so we don't have the luxury of time and would probably be sold to someone else if the Borough does not take advantage of this situation.

Mayor Crowley stated on the floor is a motion to remove the funds from the Police Work Trust Account.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

Mr. Giordano made a motion to trade in the Dodge Magnum and the purchase of the vehicle from the trust account not to exceed. No Second

Mr. Giordano amended his motion to approve the chief utilizing the \$6,799 as removed from the Police Outside Work Trust, authorizing him to trade in the Dodge Magnum and purchase the Chevy Impala not to exceed \$15,000. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

Horizon Blue Cross Blue Shield Public Employer Dental Trust Rate

Mr. Giordano made a motion to approve Horizon Blue Cross Blue Shield Public Employer Dental trust rate increase of 4% for a two year rate guarantee for 2012-2014. Seconded by Mr. Zschack.

Mr. Kilduff explained the Borough has an option of either a 12 month rate for 2013 with an increase of 2% or a 24 month rate with a onetime increase of 4%. Mr. Kilduff said the motion that is on the table is for the two year lock in rate at the 4% increase.

Mr. Zschack asked the 12 month rate is not locked in at 2% each year.

Mr. Kilduff replied no and explained the options. There was a discussion on the two options.

Mayor Crowley stated the motion is for the two year rate of 4%; if the Council doesn't not like that he suggested voting it down, if it doesn't pass vote for the 2% for one year. Roll call vote yes would be for 4% for two years.

Upon roll call vote:

Ayes: None

Nays: Gardell, Giordano, Zschack Absent: Kulsar, Limon, Snyder

Abstentions: None

Mr. Giordano made a motion to approve Blue Cross/Blue Shield public employee's dental rate trust at an increase of 2% for a one year rate contract. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Kulsar, Limon, Snyder Abstentions: None

Discussion on Fees for nonprofit organizations at the Littell Center.

A discussion was held at this time regarding waiving fees for non-profit organizations at the Littell Center.

In the discussion the subject regarding the Franklin Historical Society using the Littell Center for the Train Show and whether or not they should be charged.

Mr. Zschack commented he feels uncomfortable having this conversation with only 50% of the Council not being present for the discussion. This is about all non profits and could be a burden to the Borough Financially.

Mr. Giordano replied he would agree with that; he has strong feeling about waiving the fees for the Historical Society. He would be agreeable on tabling the discussion on the other non profits. Mr. Giordano stated his feeling are based on the fact that the Hardyston Historical Society has no place to go other than the Littell Center. The Franklin Historical Society has a museum they use as a base and where they meet. Mr. Giordano doesn't feel comfortable paying for half of the Hardyston Historical Society to have an office at the Littell Center when the Franklin Historical Society is being charged a fee to use the facility that the Borough is paying half for.

Mayor Crowley commented you are mixing a fund raiser with an outside group and an office; if our Historical Society wanted to use the Littell Center as an office they could have that also.

Mrs. Gardell stated she talked to Marianne Smith about this and they charge \$1.00 per person that enters the doors up to \$200.00; for this particular event you have a nonprofit and a fund raiser. It isn't just our Historical Society.

Mr. Zschack commented again that he feels uncomfortable having this conversation with only 50% of the Council present; it affects more than just one group it affects.

Mrs. Gardell agrees that we need to have a policy for nonprofits.

Mr. Zschack made a motion to table this discussion to the next meeting.

Mayor Crowley commented we don't need a motion

After a lengthy discussion on waiving fees for non-profit organization the discussion was table to the next meeting.

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Giordano voiced his concern on the number of complaints of cars racing up and down Mabie Street. Police were called several times.

Mr. Zschack commented this should be discussed with the police department.

Mayor Crowley stated to pass this on to the police department.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:28 p.m., seconded by Mrs. Gardell. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk