

**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 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 March 30, 2012 to Mayor Crowley and Franklin Borough Council Members from The Center for Prevention & Counseling.
2. Letter dated April 9, 2012 from NJDOT Michael Russo Director of Local Aid and Economic Development.
3. Letter dated April 19, 2012 to Assignment Judge Thomas L. Weisenbeck, from James Kilduff, Administrator Re: Franklin Borough Municipal Court Waiver Request for Joseph Drossel.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health Activity Report for March 2012.
2. Construction Permit Activity Report for March 2012.
3. Police report for March 2012.
4. Tax Department Collector's Percentage Collected to March 2012.
5. Tax Department Report for March 2012.
6. Tax Department Cash Book Report for March 2012.
7. Municipal Court Report for March 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 24, 2012.

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

Mrs. Gardell requested to have the letter from Mr. Kilduff to the Judge item #3 under correspondence removed.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar updated the Council on the sign, the location for the sign and the electrical work.

Mr. Ursin stated if the electrical contractor is going to volunteer the Council should pass a resolution excepting the generous donation as is.

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Mr. Limon made the motion to prepare a resolution. Mr. Giordano seconded the motion. Mayor Crowley stated the motion is to accept Mr. Kulsar's general contractor. The electrical contractor is MDP Electric.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: None Abstentions: Kulsar

Mr. Zschack reported Chief McInerney had approached him regarding the possible purchase of a used vehicle. He wanted to see if this could be placed on the next meeting agenda.

Mayor Crowley asked the Council if there were any objections. There were no objections.

Mr. Limon reported the Senior Spring Fling was a success; approximately 75 people attended. In October there will be the Senior of the year luncheon. Recreation is working on Franklin Night. At the recreation meeting field use was discussed.

Mr. Snyder had nothing to report.

Mr. Giordano reported he was at the recreation meeting too; he suggested looking into having an ordinance or creating a policy that sets specific reasons to waive fees and how to go about it; this way there is no gray area.

Mrs. Gardell reported on May 12 the Utility Authority is having an electronic waste recycling day. Mrs. Gardell suggested this to be place on the website.

Mr. Ursin requested an executive session on personnel.

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

A water main break was reported on Monday, April 17th at about 9:30AM. The break occurred at the Franklin Elementary School front parking lot. Contractors conducting test whole borings for a proposed solar project pierced an 8" secondary water main, causing interruption of service to School Plaza residents and the school. The DPW worked throughout the day to affect repairs and restore service. A bill has been forwarded to the school.

The Franklin Viaduct Bridge E-07 replacement project is progressing through final planning and design stages. The County anticipates advertising for bids on June 18th with a contract award on or about July 23, 2012. Construction would most likely commence several months later. There will be a complete closing of the bridge during construction.

The Recreation Commission has received their new illuminated sign and is planning installation on Franklin Avenue (CR631) on the east side of the dam. The County may require a road opening permit.

Financial Control/Legal Issues

Tonight's agenda includes approval of the Borough's 2012 budget and a budget amendment which will further reduce the introduced 2012 budget by approximately \$25,000. This amendment is the result of many additional hours of review by the Council and budget committee.

FEMA has reimbursed the Borough \$70,757.08 for a payment made to SCMUA for treatment and administrative costs associated with an additional 17,235,247 gallons of wastewater flow in 2011. SCMUA had attributed the additional treated water in 2011 to inflow and infiltration from the heavy rains and flooding caused by Hurricane Irene and Tropical Storm Lee and billed the Borough approximately \$107,904 for the

excess wastewater flows. At the suggestion of the CFO, the total excess cost due to the eligible storm activity was submitted to FEMA for reimbursement. The total dollar amount of excess flow was calculated at \$94,342.37 (the difference between the average August flows for 2008, 09, & 10 and the actual flows for August 2011). This calculation resulted in a FEMA approved payment of \$70,757.08 at the 75% reimbursement rate.

The one year dental agreement at 2% increase has been executed. New rates will go into effect July 1, 2012.

The State is seeking to acquire control over all unspent housing trust fund dollars. Such a move would require municipalities to payback millions of trust fund dollars. The Borough will have to transfer approximately \$179,472.51 in the housing trust fund to Trenton, unless some compromise is worked out. A housing spending plan resolution should be ready for the May 8th Council meeting.

An addendum to tonight's agenda includes a resolution to enter into a shared service agreement with SCMUA for certified recycling professional services. The cost is \$250.

Operational/Personnel Matters

The new Franklin Borough website is operational. The website can easily be found by searching "franklinborough.org". Searches under the old "franklinboro.com" will redirect users to the new website. The new website features a completely revised webpage with dropdown menus and links to other pages. The website is an invaluable source of information for Borough residents.

Members of the 24th Legislative District met with municipal officials on April 19th to brief constituents on statewide issues. Topics of discussion included COAH, the Highlands, Permit Extension Act, and the new state Plan.

A waiver request has been provided to the Morris/Sussex Assignment judge so as to allow the Zoning Officer to continue working in the municipal court as a Court Attendant

Land Use Matters

The public hearing on Area "E" for redevelopment has been rescheduled to the May 21st Planning Board meeting, commencing at 7:30pm. Affected property owners will receive a new notice of the public hearing.

The County Administrator has advised of an impasse with efforts to get NJDEP to alter their sewer service area mapping. Accordingly, the NJDEP's proposed January 2012 mapping will likely go into effect for sewer service areas within the County. The new map will have significant impact on future development in Franklin Borough as the NJDEP has proposed what can only be described as "Swiss cheese" mapping of sewer service area in the Borough.

Long-term and Capital Projects

The County's Pre-Disaster Hazard Mitigation Plan resolution was tabled at the last Council meeting. It is on the agenda for approval tonight. Mitigation action projects listed in the plan and include the following:

- Retrofit of the Fire Department roof to meet snow loads
- A backup generator for the Municipal Building
- Construction of a retention pond & culvert to eliminate storm water run-off flooding at Franklin & Rutherford Avenues
- Stormwater management upgrade and improvement at Newton Street
- Flood proofing of Immaculate Conception School
- Conduct all hazards education and outreach programs for hazard mitigation and preparedness.

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The Administrator and CFO have begun looking at communications (telephone & internet) for cost reduction opportunities. Possible savings may be obtained from elimination of low use lines and/or installation of a T-1 digital line.

Mayor Crowley reported this weekend is the town wide garage sale by the Girls Scouts. The sale is scheduled for Saturday and rain date will be Sunday. Recreation did a good job on the Senior Spring Fling. Help will be needed for Franklin Night.

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. Giordano. All were in favor.

Mike Gunderman, Jenkins Road, Franklin stepped forward. Mr. Gunderman is representing the recreation committee. Mr. Gunderman stated his concerns to the Council regarding the field use for football and baseball season.

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. Snyder informed the Council that he knew someone that did Grant writing. Ms. Johnson is working on a Grant for the Fire Department. Ms. Johnson also gave a list of grants that she could work on. Mr. Snyder informed the Council if we obtain her services to write grants, salary for this would need to be discussed.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on January 24, 2012. (Absent: None) Second by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Introduction and Public hearing on Amendment to the 2012 Budget

Mr. Zschack made a motion at this time to accept the amendment to the introduced budget. The amendment will reduce the amount to be raised by taxes by \$24,738. Seconded by Mr. Snyder.

Mayor Crowley stated the motion is to consider the amendment.

Monica Miebach, CFO read into the record the amendments to the introduced budget and explained changes that were made from the introduced budget to the amended budget.

Mr. Limon made a motion to open to the public comments on the 2012 budget. Seconded by Mr. Snyder.

No one from the public stepped forward.

Mr. Limon made a motion to close to the public comments on the 2012 budget. Seconded by Mrs. Gardell.

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Mayor Crowley stated we have a motion for the introduced and accept the amendment to the budget and asked for a roll call vote.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Resolution to Adopt the 2012 Budget

Mr. Zschack made a motion to adopt the final 2012 Budget, Resolution # 2012-30. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Crossing Guard Resignation

Mr. Giordano made a motion to accept the resignation for substitute crossing guard Rose Breidenstein, effective immediately as per Lynn Warr Prtorich, Head Crossing Guard. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Memorial Day Parade

Mr. Giordano made a motion to accept the request from the American Legion Post 132 to hold a parade on Memorial Day May 28, 2012 to honor those veterans who gave their all for our nation. Parade line up at the Legion Post at 10:00 A.M. and starts at 10:30 A.M. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

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. (Tabled from April 10, 2012) Seconded by Mr. Zschack.

Jim Williams, Emergency Management Coordinator, stepped forward. Mr. Williams explained to the council the pre disaster mitigation plan and areas in the plan that are potential areas for problems. Mr. Williams informed the Council by signing the resolution the town is agreeing with the plan and the areas in the plan that would be potential problems.

Mrs. Gardell expressed concern about the items on the action list. The Borough is making a capital comment to do these things. Mr. Williams said no. Mr. Williams said, for example, he asked about Route 23; the route 23 corridor in front of Starbucks is a State Highway. The Borough of Franklin would not have any financial responsibility there what so ever.

Mr. Williams commitment when he was on the Council there were residents from Newton Street that wanted action taken because of the flooding there. That flooding takes place because of the Wallkill River; the Borough of Franklin can't do anything there on Newton Street.

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Mayor Crowley stated DEP gave the Borough permission to clean it out. Mr. Williams commented there isn't much you can do there.

Mrs. Gardell commented that shouldn't be listed. Mr. Williams stated if it is listed and there is damage due to a flood, they can go to FEMA and FEMA will look to see if it is listed on the plan.

Mr. Williams informed the Council back in October with the flooding the residents of Newton Street went to FEMA; the Borough didn't get involved at all. Mrs. Gardell stated right but they want Municipalities to have a plan; if the municipality has a plan in place they will look more favorable on funding. Mrs. Gardell is concerned; the way she reads the plan; she thinks they will make the Borough commit to do these things.

Mr. Williams stated the State hired a company to sit with each OEM person and go over areas with potential problems.

Mr. Ursin commented he hadn't read the plan but if you look at the resolution it focuses the issue; the resolution specifically says that you are going to execute the action under number one and number two authorizes all of the people identified in the plan to implement the recommended actions. That is what you are passing.

Mr. Kilduff said he summarized this in his administrators report; identifying the six action items.

Mrs. Gardell stated it has a million dollar price tag; the Borough only needs two action items you don't need to have six on there. Mrs. Gardell questions why some of these are on the list.

Mr. Kilduff asked would you like to amend the action item list and possibly include that in the resolution for consideration. Advise the County that the Borough intends to amend the action item list; that should probably be in the resolution.

Mr. Giordano commented the Immaculate Conception Church should be off of the list. Mr. Giordano stated Newton Street pays taxes to the town of Franklin; they are a known flood area. Newton Street should be on the list, it has been flooding for years. It helped a lot by moving the debris from the river. Anything we can do to help the people of Newton Street.

Mayor Crowley commented are we obligated with this list or is it just a wish list.

Mr. Williams replied he was under the impression when he went to the County and everyone was listing their items; the town would not have the responsibility of paying for any of this. Mr. Williams said tomorrow he can take a ride back over to the Sheriff's department and find out from Mark Vogel. Mr. Williams commented he specifically asked the State when they met if the town would have any financial responsibility.

Mayor Crowley asked when the plan was due.

Mr. Williams said it is due in July.

Mayor Crowley said he would suggest that we table this.

Mr. Williams stated he will find out from Mark Vogel tomorrow and we can go from there.

Mr. Kilduff asked the Council for feedbacks as to which of these items they would like removed from the action item list.

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Mayor Crowley commented he would leave them all on there.

Mr. Williams stated he would just delete the one for Immaculate Conception School.

Mayor Crowley said other than that the other items aren't bad projects. He doesn't want to be obligated.

Mr. Giordano changed his motion to table resolution 2012-27 to the next meeting (May 8, 2012). Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Snyder, Zschack

Nays: Limon Absent: None Abstentions:

Resolution #2012-29 2011 Tonnage Grant Application

Mr. Giordano made a motion to adopt resolution #2012-29 endorsing the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Discussion on Fees for nonprofit organizations at the Littell Center.

The Council had a lengthy discussion regarding waiving the fees for non-profit organizations and have an ordinance or policy regarding waiving fees. Mr. Giordano stated his concerns on the fees the Franklin Historical Society are being charged at the Littell center for the train show. Mr. Zshack stated we should be looking at waiving the fees as a whole not one particular group.

Mr. Giordano made a motion to create a policy that does not waive fees for any non-profit except for Franklin Historical society train show this year. No one seconded the motion.

Mr. Limon made a motion that we adopt a policy no waiving fees.

Mayor Crowley said the motion is not to waive fees except for the fire department, first aid squad and recreation.

Mr. Limon made a motion no waiving of fees except for the Fire Department, First Aid Squad and Recreation. Seconded by Mrs. Gardell.

Mr. Zschack stated he agreed with Mr. Kulsar; we are jumping the gun a little, we are making a decision without really looking at it, we started talking about fees for non-profit and the Littell Center and now we have jumped to all fees for everything. We need to step back and look at this; it needs to be studied a little more.

Mr. Snyder stated it looks like we are getting to the point of not waiving fees; we should look into this a little further.

Upon roll call vote:

Ayes: Gardell, Limon

Nays: Giordano, Kulsar, Snyder, Zschack Absent: None Abstentions: None

Discussion of Board of Education Solar Electrical Generation Project

Mayor Crowley explained the Solar Project to the Council.

Mr. Snyder stated his concerns regarding this project and for the residents by the school.

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The Council discussed the solar project and Mr. Ursin explained different options that the Council can consider.

Resolution #2012-31 Shared Service Agreement

Mrs. Gardell made a motion to adopt resolution#2012-31 authorizing the execution of a shared service agreement with Sussex County Municipal Utilities Authority for the provision of certified Recycling Professional Services to certify and submit the 2011 Recycling Tonnage Report to NJDEP. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions:

Mrs. Gardell referred to item # 3 from the consent agenda; letter concerning the Zoning Officer and Court attendant. Mayor Crowley explained why the letter was sent to the Municipal Judge.

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. Zschack.

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 8:59PM and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Giordano commented regarding the train show and how much would be made from the show; if you split it 50% he requested reducing the fee by 50%.

Mayor Crowley asked if that was a motion.

Mr. Giordano said yes.

No one seconded the motion.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:00 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk