

**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
May 22, 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."

Mayor Crowley announced that Planner Ken Nelson will be present later to explain the Affordable Housing Trust Fund.

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 from The Center for Prevention & Counseling to Mayor Crowley and Franklin Borough Council Members.
2. Mayors Advisory dated April 9, 2012 Re: Affordable Housing Trust Funds, July Deadline.
3. Letter dated May 3, 2012 from Lori Mitchener, Recreation Secretary to Mayor & Council.
4. Letter dated May 8, 2012 from Sussex County Board of Taxation Melissa Rockwell, Tax Administrator to Acting Director Dryan.
5. Letter dated May 10, 2012 from State of New Jersey Department of Transportation, Anthony Attanasio, Assistant Commissioner to James C. Kilduff, Administrator.
6. Letter dated May 14, 2012 from James C. Kilduff, Administrator to Patricia Leasure, Re: Employment Separation/COBRA Notice.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report for April 2012.
2. Board of Health Activity Report for April 2012.
3. Franklin Police Department Report for April 2012.
4. Fire Marshal Activity Report for April 2012.
5. Municipal Court Report for April 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 22, 2012.

Mr. Limon made a motion to approve the consent agenda of May 22, 2012. Seconded by Mrs. Gardell.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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COMMITTEE REPORTS

Mrs. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Snyder reported personal committee had a meeting and discussed the personnel item in the agenda. It was their recommendation on all those items for Municipal Clerk, Deputy Registrar and raises for certain employees.

Mr. Limon reported there will be a recreation meeting tomorrow night, Franklin Night will be June 30 with fireworks pending tonight and the American Legion Memorial Day parade is coming up.

Mr. Zschack had nothing to report.

Mr. Kulsar reported the recreation sign will be across from the Water Falls; an issue came up for the fees for Franklin Night. Mr. Kulsar questioned a \$25.00 fee for the boy scouts for a food handler license. There was a discussion on the fee for the Food Handlers license and raffle license for Franklin Night.

Mr. Kilduff reported some of the items from his administrator's report which is also on file in the clerk's office. Mr. Kilduff requested an executive session to discuss contracts.

Mayor Crowley reported the Scouts had a camp out at the pond it was well attended and everyone had a good time. The pond was treated last week with chemicals for alga growth; the pond area is being well used by Franklin Residents. It is a real asset to the community. The Council should be proud.

OPEN PUBLIC SESSION

Mr. Giordano 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.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Mrs. Tatka asked about the police vehicle that is being purchased and if it was used vehicle and how much was saved. Mrs. Tatka questioned the appointment of the deputy registrar and what their responsibilities would be, if there was going to be a salary ordinance and the position of the part time land use secretary.

Mrs. Tatka asked about the redevelopment studies.

Mayor Crowley explained the process of redevelopment and what the town has done to date.

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 stated several meetings ago there was a discussion regarding having Ms. Johnson do grant writing. Ms. Johnson is working on a grant for the Fire Department. Mr. Snyder commented he handed out to the Council an update of

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what Ms. Johnson has done so far with the grant and explained what she has completed.

Mayor Crowley asked if we needed to take action.

Mr. Snyder replied no he just wanted to give the Council an update.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on February 28, 2012. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Littell Community Center Shared Service Agreement

Mr. Snyder made a motion to approve the Littell Community Center Shared Service Agreement between Franklin Borough and Hardyston Township. This agreement shall commence on January 1, 2012 and terminate on December 31, 2012. Seconded by Mr. Limon.

Mayor Crowley said we are committed to this because we have not given them 6 months notice.

Mr. Giordano commented as a Borough we should learn from our lessons; Hardyston has been very prompt in wanting 90 day termination notice in their agreements. He disagrees with the termination clause. Every contract they have with us they have a 90 day out clause and they use it. We are stuck with 6 months. He doesn't agree with an automatic renewal date.

Mayor Crowley commented this is the same contract we had if others agree with you they can vote no.

There was a discussion on the contract and fees.

Mr. Kulsar commented he agrees with everything you say but it is too late in the year now to change the contract.

Mr. Snyder commented he believes the termination of 6 months needs negotiation.

Mayor Crowley commented he agrees with Mr. Kulsar it is too late to change it.

Upon roll call vote:

Ayes: Gardell, Kulsar, Limon, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

Mayor Crowley stated we are going to number 9; Mr. Nelson, Planner is here to discuss the review and approval of Housing trust fund.

Mr. Nelson explained to the Council the housing plan and spending plan what is going in at the State level and what the municipality needs to do.

There was a discussion on the process of who is eligible to receive this money for repairs on their house and how the money is paid back to the town and the types of repairs that can be done with the program. There is a lot of administrative work involved with the program.

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Mr. Giordano commented he wasn't comfortable with hiring anyone to do this program but he doesn't want to see the money go to the State.

Mr. Ursin informed the Council you are way ahead of yourself you need a program and if the State doesn't take the money in July then you would proceed then with a program.

There was a discussion on a loan versus if it was a grant.

Resolution #2012-44 Requesting Review and Approval of Municipal Affordable Housing Trust Fund Spending Plan

Mr. Limon made a motion to adopt Resolution #2012-44 requesting review and approval of the Municipal Affordable Housing Trust Fund Spending Plan. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Kulsar, Limon, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

Resolution #2012-38 Fireworks Display

Mr. Zschack made a motion to adopt resolution #2012-38 authorizing fireworks display in the Borough of Franklin on "Franklin Nite" at the Franklin Pond Recreation Area. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2012-39 Purchase a Police Vehicle

Mr. Zschack made a motion to adopt Resolution #2012-39 of the Governing Body of the Borough of Franklin to purchase a 2012 Dodge Charger police vehicle under state contract from Chas. S. Winner, Inc. #A79009 as recommended by CFO/Purchasing Agent, Monica Miebach. Mr. Kilduff stated the purchase price is \$27,189.69. Mr. Zschack said that is part of his motion. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2012-40 Appointment of Municipal Clerk

Mr. Zschack made a motion to adopt Resolution #2012-40 to appoint the Acting Clerk as the Borough Clerk and establish a stipend of \$2,000.00 per year for the Registrar position. Seconded by Mr. Limon.

Mr. Ursin asked for the motion to be more specific in the terms. She [Robin Hough] was a temporary clerk serving while the clerk was out; this is the temporary Clerk to Acting Clerk for the period of one year. Mr. Zschack amended his motion to that.

Mr. Snyder explained why there is a stipend. If there is a raise given it would not include the stipend only the salary, the stipend stays the same. The stipend for registrar would be negotiated separately.

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Mrs. Gardell stated she is against stipends, she has stated this before; it is much more appropriated to have a resolution for clerk/registrar with an appropriate salary.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

Resolution #2012-41 Deputy Registrar

Mr. Zschack made a motion to adopt Resolution #2012-41 to support the appointment of Deputy Registrar by the Registrar and establish a stipend of \$1,500.00 per year for the Deputy Registrar position. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

Resolution #2012-42 Awarding Raises for Certain Employees

Mr. Zschack made a motion to adopt Resolution #2012-42 to raise the salaries and wages 2% for those employees who have not received an increase in more than a year.

After a brief discussion on the resolution; Mr. Zschack amended his motion to include the police secretary. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

Resolution #2012-43 Coin Toss Fundraiser

Mr. Zschack made a motion to adopt Resolution #2012-43 of the Governing Body approving a Coin Toss Fundraiser on August 4th and 5th 2012 as requested by the Walkkill Valley First Aid Squad. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: Giordano

Land Use Secretary

A discussion will be held at this time to consider the hiring of a part time Land Use Secretary.

Mr. Snyder explained to the Council what the personnel committee had discussed concerning salary and not to over step the salary of secretary's already employed by the Borough.

There was a discussion concerning the amount of hours and rate for the Land Use Secretary.

Mr. Kilduff stated he is concerned with only having a part time secretary for only 20 hours. A year and a half ago there were 2 full time employees in Land Use. Mr. Kilduff requested 29 hours for the part time secretary.

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Mayor Crowley stated the land use secretary had been for years at full time position there is more and more paper work even though there is not a lot of development both Boards have been busy and they do have applications in front of them. Up to the change in administration the Borough had two full time people doing those positions; at this point the administrator is doing both the administration and administration for land use.

Mayor Crowley commented he would recommend full time; if the Council isn't going to have the position full time it should be as many hours as possible.

Mr. Zschack asked if the 29 hours include the meetings.

Mr. Kilduff stated that was discussed as well; the hours would have to be adjusted on the weeks when there was a night time meeting so that we didn't go over the 29 hours.

Mr. Zschack stated the 29 hours would include the meetings.

Mr. Kilduff said yes.

Mr. Kilduff stated his concern whether this will be enough hours; people don't understand how much work is needed after an application is approved.

The Council discussed the land use secretary position. One point that was mentioned was whether this position was a secretary position or an assistant position due to the amount of paper work involved in the land use department. Mr. Zschack commented this really isn't secretary type work it is really more involved with that. Mrs. Gardell commented on needing someone that can work independently.

Mr. Zschack stated he is for starting someone part time and if we bring someone in and it is the right person within two months you know it. When they prove themselves in that position and if the need still exists after a month or two that the position needs to be full time we can come back to the Council with that recommendation.

Mr. Snyder made a motion to authorize the Administrator to hire a part time secretary for 29 hours a week at \$12.00 per hour. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

EXECUTIVE SESSION

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

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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After meeting in closed session, the Governing Body returned to their seats at 9:03 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley reminded everyone about the Memorial Day parade. Mayor Crowley thanked Mr. Zschack for filling in at the last meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:06 p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk