

**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  
June 26, 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 June 12, 2012 from New Jersey Legislature 37 district to Mayor Crowley and Council.
2. Mayors Advisory dated June 13, 2012 to Mayor and Governing Body Members Re: 15<sup>th</sup> Annual Elected Official Hall of Fame.
3. Letter dated June 18, 2012 from Jim Kilduff Administrator to Wallkill Valley First Aid squad, Franklin Fire Department and Franklin Police Department Re: Franklin Borough Resolution #2012-47 Thanking First Responders.
4. Letter dated June, 2012 to Mayor and Governing Body from New Jersey State League of Municipalities Re: 15<sup>th</sup> Annual Elected Officials Hall of Fame.
5. Notice dated June 14, 2012 regarding Sussex County presentation to the Frankford Township Land Use Board regarding property owned by the County of Sussex.
6. Letter dated June 18, 2012 from Jim Kilduff, Administrator to Interested Party Re: Franklin Borough Area "E" Redevelopment Designation June 26, 2012 Mayor and Council Meeting.
7. Letter dated June 19, 2012 from Marianne Smith, Hardyston Manager to Mayor Paul Crowley Re: Shared Service Agreement for Construction Office Services.
8. Letter date June 22, 2012 from Mayor Paul Crowley to Marianne Smith, Hardyston Manager Re: Construction Services Contract

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report for May, 2012.
2. Municipal Court Report for May, 2012

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Application to operate a Kennel, Pet Shop, Shelter or Pound located at 414 Rte 23, Trade name Rte 23 Pet Center LLC.
2. Application for an off premise 50/50 Raffle License for Caristia, Kulsar & Wade charitable Foundation, Inc.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 26, 2012.

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Mr. Limon made a motion to approve the consent agenda of June 26, 2012. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

**COMMITTEE REPORTS**

Mrs. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Snyder reported the interview process for the Land Use Secretary had been started.

Mr. Limon reported there is a recreation meeting tomorrow night; we will be finalizing Franklin Night which is this Saturday.

Mr. Zschack had nothing to report.

Mr. McBriar had nothing to report from the attorney's office.

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 Franklin Night is this Saturday official opening is at 4:00; the duck race is at 1:00 and fireworks start at 9:30. The Recreation sign looks nice; the electrical work will be done shortly. At the pond on Franklin Night at 4:00 there will be a reunion of lifeguards on the Beach.

**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.

No one stepped forward to address the Governing Body.

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**

Mayor Crowley stated at this point he would like to change the agenda and go to item 6 of new business; resolution 2012-53.

**Resolution #2012-53 Redevelopment of Area E**

Mayor Crowley stated a motion is in order to adopt resolution #2012-53 determining that properties included in Area "E" identified more fully in the redevelopment study dated March 12, 2012 prepared by the Nelson Consulting Group, be designated as an Area in need of Redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40 A:12A-1ET. SEQ.

**Mr. Limon made a motion to adopt resolution 2012-53 Redevelopment of Area E. Seconded by Mr. Snyder.**

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Mr. Kilduff explained the Planning Board prepared the study for Area E, had a public hearing and decided that this area was an area in need of redevelopment.

Mayor Crowley commented after tonight this would go to the Department of Community Affairs; people that wrote objections will get formal notification.

Mr. Zschack asked if this is approved tonight what does this mean financially for the Borough.

Mr. Kilduff said nothing happens until a plan is developed; the Governing Body would have to form a redevelopment authority it could be the Governing Body or they could charge the Planning Board with the responsibility. A plan has to be developed and adopted by ordinance.

Mr. Zschack stated the plan itself would cost the Borough.

Mr. Kilduff stated the Council can appropriate funds for that or the developer can provide the funding to create the plan subject to review by the Council and the Planning Board if the Council appoints the Planning Board to undertake the responsibility.

Mr. Zschack asked would they make the decision on who would do the plan and what extent that plan would be.

Mr. Kilduff said if the Council chooses they have the authority to designate the Planning Board to prepare that plan.

Mayor Crowley stated ultimately the Council can decide who will do the plan.

Mr. Zschack commented his concern is financial.

Mr. Kilduff stated in the 2012 budget the Council did appropriate some money; but he didn't think it is anywhere near enough and these funds are being spent now to pay for our professionals as we go through this process.

Mr. Zschack stated he still has some concerns; he does understand the benefit for the Borough.

The Council discussed redevelopment process and the redevelopment of Area E.

**Open to the public comments regarding Redevelopment of Area E.**

Glenn Sumpton, Superintendent of Hardyston School District stepped forward along with Attorney Richard Angowski. Mr. Angowski is the attorney for Hardyston.

Mr. Sumpton stated he wanted it on the record that the Hardyston Board of Ed is opposed to Hardyston Township Elementary School being included in the redevelopment zone/designation. Mr. Sumpton read concerns into the record of the School. Mr. Sumpton informed the Council of all the improvements that have been done in the past on the school which was built in 1958; additions were added in 1968 and 1996. Renovated the roof in 2003 along with a new playground in 2008; there will be a new front entrance this summer.

Mr. Sumpton commented with the upgrading that is continuing we are not becoming obsolete. How can this faculty be in an area of need of redevelopment? Mr. Sumpton had attended Planning Board meeting and was told the collector road isn't in the near future. The designation report states something different.

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Mr. Angowski stated for the record, he asked Mr. Sumpton as a Superintendent of Hardyston Township Public Schools are you aware of the Hardyston Elementary School being an area in need of repair.

Mr. Sumpton replied absolutely not.

Mr. Angowski asked would you consider the property to be absolute.

Mr. Sumpton replied absolutely not.

Mr. Angowski asked would you consider the property to be stagnant and not productive.

Ms. Sumpton replied absolutely not.

Mr. Angowski asked do you believe the property had a negative effect on the surrounding properties.

Mr. Sumpton stated he doesn't believe that to be true at all.

Mr. Angowski commented in Mr. Sumpton's statement; you stated there have been substantial repairs and remodeling to the elementary school of the past years.

Mr. Sumpton explained the repairs that had been done to the elementary school.

Mr. Angowski asked Mr. Sumpton your testimony as Superintendent of Public Schools that the area (School) is not one in need of redevelopment.

Mr. Sumpton state absolutely not, not in terms of obsolete, not in terms of it being not a productive use of property.

Mr. McBriar explained the rolls in this process from the Planning Board.

Mr. Angowski stated for the record the Hardyston Township Board of Education objects to the designation of the Elementary School as an area in need of redevelopment pursuant to the Statues being referenced. Statue 48-12 A-5

Mr. Giordano asked how much tax money does the Hardyston School pay the Borough of Franklin for the property.

Mr. Sumpton stated there is none.

Mr. Giordano stated what was put on is a very open display of how to make a mountain out of a molehill.

Mr. Sumpton we just stated our concerns as to what is in the report.

Mayor Crowley stated when this report was written the reason the school property was included is the area is in need of redevelopment not specifically the school itself needs redevelopment. When the planner wrote the plan he was stating the idea the whole area is an area in need of redevelopment. There are some comments that you obviously don't agree with.

Mr. Angowski asked about the Collector Road. Mayor Crowley stated the collector road has been talked about for years. There was a discussion on the collector road and a redevelopments plan.

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Mr. Snyder stated if you were around 50 years ago you would know how this came about. The concern now is if the property wasn't being taken care of.

Mr. Angowski stated at this time the school is functioning it serves a public purpose.

**Open to the public any comments regarding Redevelopment of Area E.**

Patricia Rowett, 36 Rte 23 Franklin, stepped forward. Ms. Rowett stated that her property should not be included in the Area; it doesn't meet the criteria. Ms. Rowett explained to the Council why her property should not be included in the redevelopment Area E.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented this area is being done for Mr. Nardella. Mrs. Tatka stated it isn't the people's fault of today what was done years ago.

Yu No, 51 Rte 23 Franklin, stepped forward. Ms. No stated she doesn't want her property in the area. She would like her property out of the area.

John Christiano 38 Jenkins Road, Franklin, stepped forward. Mr. Christiano stated the Planning Board passed this study 4 vote to 3 votes. The reason why it was passed 4 to three and the reason was why so many people objected to the Wal-Mart. Mr. Christiano explained the Wal-Mart property should not be on the list.

Mr. Kilduff said for the record you are a member of the Franklin Borough Planning Board and voted against the redevelopment designation of this area.

Mr. Christiano stated he wasn't identifying himself as a member of the Planning Board but since you opened that door, yes. He is a member of the Planning Board and one of the three people that voted against that particular part of Area E. Everything else no objections it is that one particular property.

Robert Fourniadis, Vice president of Rain Maker with the current owner of Group 5 owner of the Wal-Mart parcel stepped forward. Mr. Fourniadis stated he is an attorney by training. Mr. Fourniadis stated it is his understanding that one municipality can't condemn property owned by another municipality. Mr. Fourniadis stated for the record, the gentleman from the Planning Board had also voted no for the Wal-Mart application.

**Close to the Public any comments regarding Redevelopment of Area E.**

Mayor Crowley asked Council members for their comments.

Mr. Giordano questioned taken the Hardyston School Property out.

Mrs. Gardell commented on the Littel Center being in the Area, the State property and if these properties were to be sold.

Mayor Crowley explained what could happen if the State sells the property.

Mayor Crowley recommended approval and then the study would go to DCA for approval.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder,

Nays: Gardell Zschack Absent: Kulsar Abstentions: None

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The Council took a break at 8:19 PM.  
The Council reconvened at 8:28 PM.

**OLD BUSINESS**

Mr. Limon asked if that Eagle Scout that is making his project down by the pond and Washington Ave. He wanted to verify that we leave access for the boat launch and fire trucks.

Mr. Kilduff asked is this the project with the bird houses.

Mr. Limon stated yes. Mr. Limon asked to make sure they leave access for a launch for boat or fire truck if we need to get a fire truck down there.

Mr. Giordano mentioned the fees for the train show. Mr. Giordano asked the status of hiring the new police officer.

Mr. Zschack stated a few meetings ago the Council made a decision to authorize the Administrator and police Chief to hire an experienced officer. The ad has been placed in the newspaper; the Borough received few applications from that process. Neither of those applications weren't recommended by the Chief. After that we went to the layoff list; the last few weeks the chief looked at people from Sussex County, Morris County and Passaic County. Mr. Zschack stated he thinks we need to make a change in the direction he doesn't think the direction that was given to the administrator is working at this time.

Mayor Crowley suggested for the Chief to go to the old list a few years ago but check with Mr. Ursin.

Mayor Crowley asked the Chief to come up to the microphone.

Chief McInerney stated in regards to the notification on the veterans; he made a call to a contact individual; he is waiting for a call back. He is acquiring to see what we may qualify for and see if we can get any funds into the Borough for training and salary.

Chief McInerney commented in regards to the layoff list in a period of two weeks he went through 84 candidates with no recommendation. His recommendation to the Mayor and Council is that we go back to the old list; get together a list of 20 people to interview. Recommend we do 5 interviews a night for 4 weeks and see where we are.

Chief McInerney stated the recommendation is to go back to where we left off and go right down the numbers.

**Mr. Zschack made a motion to authorize the Administrator and Chief of police to utilize the last list that was previously used to hire a police officer to be used for this hire. Seconded by Mr. Giordano.**

Mrs. Gardell questioned experienced officer.

Mayor Crowley explained the variety of applicants on the list.

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Chief McInerney stated a process like this is going to be lengthy our neighboring town just hired 4 people and that took 5 months. What he is looking at one night a week for 4 weeks and coming together with a group of people.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: None Absent: Kulsar Abstentions: Snyder

There was a discussion on the background of the Hardyston School being in Franklin.

Approval of Meeting Minutes

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

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions:

Appointment of Recreation Member

Mr. Zschack made a motion to appoint Michael Rathbun 30 Sterling Street, Franklin as a member of the Recreation Committee. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions:

Resolution#2012-50 Renew Liquor Licenses

Mayor Crowley stated there is one correction on the list of liquor license A & P is a pocket license.

Mr. Snyder made a motion to adopt resolution#2012-50 authorizing the Borough Clerk to renew liquor licenses for the 2012-2013 licensing term with the correction. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder,

Nays: None Absent: Kulsar Abstentions: Limon, Zschack

Resolution #2012-51 Surveying Services

Mr. Snyder made a motion to adopt Resolution #2012-51 of the Governing Body of the Borough of Franklin accepting the donation of Surveying services from Gardell Surveying for the project to install drainage improvement on Evans Street. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: Gardell

Resolution # 2012-52 Amendment to Employee Handbook

Mr. Snyder made a motion to adopt Resolution #2012-52 an amendment to the Employee handbook Section Four, Page 36, Payroll Policy. Seconded by Mr. Limon.

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Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions:

Resolution #2012-54 Amendment to the Capital Budget

Mr. Snyder made a motion to adopt resolution #2012-54 Amendment to the Capital Budget. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: Kulsar Abstentions:

Introduction Ordinance #2-2012 An Ordinance to Appropriate the Sum of \$42,000 from the Capital Improvement fund for Drainage improvements on Evans Street.

Mr. Snyder made a motion to introduce an ordinance entitled "**An Ordinance to appropriate the sum of \$42,000 from the Capital Improvement Fund for Drainage Improvements on Evans Street**" Seconded by Mr. Giordano.

Mayor Crowley informed the Council the need for the improvements on Evans Street.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: Kulsar Abstentions:

**Final Reading July 10, 2012**

Developer's Agreement

Mr. Snyder made a motion to adopt the Developer's Agreement between the Borough of Franklin and Group 5 Development LLC. 30 Galesi Drive, Wayne, NJ. Seconded by Mr. Limon.

Mr. Kilduff suggested to amend the motion to insert the new block and lot number. There are four different lot numbers identified in the agreement. Mr. Snyder and Mr. Limon amended their motion.

Mrs. Gardell referred to paragraph 27 on page 16; as built plans. She requested to amend the motion to include paper and electronic (soft and hard copies) of the as built plan.

Mayor Crowley called for a vote with the two corrections.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions:

Resolution 2012-55 Extending Construction Hours

Mr. Snyder is in order to adopt resolution #2012-55 extending the construction hours for a 190,000 sq foot retail building on Block 1601 Lots 4 and 5. Seconded by Mr. Limon.

Mayor Crowley explained to the Council the need to extend the construction hours for this development.

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Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions:

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mayor Crowley explained he had been approached by a local Eagle Scout for a project. This project is to do a 5K run through Franklin. Mayor Crowley stated he lives in Franklin; the Troop is not in Franklin. There are certain things that need to be done; insurance has to be provided and the route he wanted to do went on to Rte 631 so he would need County approval. Mayor Crowley said he wanted to make sure the Council didn't have any objections to him doing this so the administrator can talk to him and allow this to be done

There was a brief discussion on this Eagle Scout project and if the run should be on a County Road.

Mayor Crowley explained a situation where a Franklin resident stepped in and helped a woman and her dog that was being attacked by a pit bull. The resident will be presented a citizen's award.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:03 p.m., seconded by Mrs. Gardell. All were in favor.

\_\_\_\_\_  
Paul B. Crowley, Mayor

\_\_\_\_\_  
Robin Hough, Acting Borough Clerk