

**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
September 11, 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. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar, Mr. Limon

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 said Governor Chris Christie has proclaimed September 11, 2012 patriot day a national day of service and remembrance. The Borough pays Honor to all those who died during the terroristic attacks against this Country on September 11, 2001. We honor all those who fight and continue to fight for our freedom and especially for those who made the ultimate sacrifice for this great nation. Mayor Crowley asked all those to rise for a moment of silence in remembrance for all those who have passed in these times.

Mayor Crowley led the assembly in the flag salute.

PRESENTATION

Mayor Crowley stated Franklin Meadows has asked to give a presentation. This presentation is regarding the garbage and a bear problem that the Franklin Meadow Association is experiencing. The bears are tearing up the dumpsters they are making a mess out of the dumpsters and bringing the trash all over the area. Franklin Meadows are working with the County Health Department to help with this problem. The association would like to have one compactor. Mr. Kilduff met with their site manager; Mr. Kilduff made arrangements with Blue Diamond the Borough's hauler to pick up the compactor once a week as part of the Borough's contract which they are paying for in taxes and put it back to the compactor. The compactor would be purchased or leased threw Franklin Meadows installed by them and maintained by them also. The disposing of the garbage would be part of the town's contract and the town would still pick up the recyclables. With the removal and dumpsters that would create more parking which will be good but that would create a site plan. The site plan is required under New Jersey Land Use Rules. This would be very expensive. There will be no decision tonight for what was just said and what they need to do is get a building permit for now.

Donna Arrigo, 33 Ben Franklin Drive, Franklin Stepped forward. Ms. Arrigo stated she believes there is already a site plan; Mr. Kilduff had used it when they did the roads.

Mayor Crowley stated you can bring that when you go to the building department.

Ms. Arrigo explained to the Council the bear problem and why Franklin Meadows needs to go to using the compactor. Ms. Arrigo gave her concerns about Blue Diamond and if they are going to do the job right.

Mayor Crowley commented Blue Diamond said they would pick up the compactor and bring it back.

Ms Arrigo gave her concerns about Blue Diamond and the job they do picking up the garbage.

Mayor Crowley said to call Mr. Kilduff when they don't do their job right and he will call Blue Diamond.

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Ms. Arrigo compared the job that Waste Management did to Blue Diamond.

Mayor Crowley stated the garbage is included in your taxes. Mayor Crowley commented Waste Management did a good job but the Borough went with Blue Diamond for financial reasons.

Mayor Crowley explained to Ms. Arrigo that Franklin Meadows would be responsible for the engineers review.

Ms. Arrigo thanked the Council for their time.

Ms. Arrigo asked if someone could find out if the dumpsters are on the original site plan.

Mayor Crowley explained that when the engineer does work there is a cost and escrow is needed to cover the costs.

There was a discussion on the dumpsters, compactor and the bear problem.

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 August 10, 2012 from Robin Hough, Acting Borough Clerk to Dr. Bingaman re: Free Rabies Vaccination Clinic scheduled for November 3, 2012.
2. Letter dated August 23, 2012 from Hawkins Delafield & Wood LLP to Mayor and Council.
3. Letter dated August 23, 2012 from Monica Miebach, CFO to Administrator, Mayor and Council Re: Bond Anticipation Notes.
4. Letter dated August 23, 2012 from David Brady, Esq. to Mayor and Council regarding redevelopment Area E east.
5. Letter dated August 24, 2012 from NJDEP to Mayor and Council Re Permit application No. WCP120001 Franklin Borough New Well C.
6. Letter dated August 24, 2012 from NJDEP to Franklin Board of Public Works.
7. Memo dated August 30, 2012 from Lori Mitchener, to Mayor and Council Re: Recreation meeting of August 22, 2012.
8. Card In Appreciation for Franklin Borough Mayor and Council from the Family of Beatrice Yanish.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health activity report for July, 2012
2. Animal Control report for July, 2012
3. Sussex County Municipal Utilities Authority Franklin Boro Flows for July 2012.
4. Construction permit activity report for July, 2012
5. Municipal Court report for July, 2012.
6. Shelter/Pound Annual Report for Calendar Year 2011.
7. Tax Department Collector's Percentage collected to 8/31/12.
8. Tax Department Report for August 2012.
9. Construction Department Report for August 2012.
10. COH report for August 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

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RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 11, 2012.

Mr. Zschack made a motion to approve the consent agenda of September 11, 2012.
Seconded by Mr. Snyder.

Mr. Giordano requested to remove the following purchase orders off the consent agenda; purchase order # 18316, 18327 and 18341.

Mayor Crowley asked Mr. Zshack to amend his motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Zschack had nothing to report.

Mrs. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Snyder had nothing to report.

Mr. Ursin had nothing to report.

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

Mayor Crowley reported there is a cash flow problem and we will have to watch expenditures. Mayor Crowley asked Mrs. Miebach if she had anything to add.

Monica Miebach, CFO commented she hopes that Mother Nature will be kind to us.

Mr. Giordano asked if the overtime was causing the cash flow problem

Mrs. Miebach explained the biggest problem with the cash flow is the tax appeals that were awarded this quarter. Mrs. Miebach explained items that have to be paid. The tax sale is coming up she can reevaluate this after that. The budget was tight and everyone knew that, the Borough needs to put a freeze on none essential spending. Mrs. Miebach stated that is what she recommends and that she would like to meet with the budget committee. Mrs. Miebach stated we are short cash, \$113,000.

Monica Miebach asked to meet with the budget committee after the tax sale.

Mayor Crowley stated it was brought up before about the ordinances being on the back table. Ordinances become public after it is introduced and it is announced when the hearing will be then it is formally published in the paper and is available at the clerk's office. The night of the public hearing ordinances are available in the back. Ordinances are public record.

Mayor Crowley stated he checked on the number of children in the schools; with it only being the first week of school he has to check on this again to get an accurate

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account of the number of students. Mayor Crowley commented the student population may be the same but the enrollment may be down a little; he explained why the enrollment might be down.

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. Giordano. All were in favor.

Donna Arrigo, 33 Ben Franklin Drive, Franklin, stepped forward. Ms. Arrigo asked when the project on the bridge was going to begin.

Mayor Crowley replied next month; for 15 months they will actually put the barricades up; very soon after October 1, he didn't know an exact date at this time.

Donna Arrigo gave her concerns of cars speeding on some of the roads due to the bridge being out, she is concerned about cars traveling on Wildcat Road and if there could be speed bumps.

Mayor Crowley stated a lot of speed bumps are not legal. He is not sure exactly what the Borough can do as far as speed goes.

Donna Arrigo commented the speed bumps are just a suggestion.

Mayor Crowley commented he will talk to the Chief.

Pat Rowett, Rte 23 Franklin, stepped forward. Ms. Rowett asked if the Council knew they were also closing the bridge by the Littell's gas.

Mayor Crowley stated they decided to do that bridge because the main bridge will be closed; since that is also a County road the County is going to do that bridge at the same time. That bridge will not be closed long but it will be a very serious problem for the Emergency vehicles to have both of those bridges closed at the same time.

Pat Rowett commented they are also looking at the bridge on Franklin Ave.

Mayor Crowley stated all the bridges are in need of repair.

There being no one else present who wished to address the Governing Body, Mr. Snyder 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

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting of April 24, 2012. Seconded by Mr. Giordano. (Absent: None)

Mrs. Gardell commented on page 5 the Council had a discussion regarding the pre disaster mitigation plan. Mrs. Gardell said it was her recollection that there was a lengthy discussion on this; it was eventually tabled.

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Mayor Crowley stated it is up to the Council to have the minutes changed or leave as is.

There was a brief discussion on the April 24 minutes that were prepared.

Mr. Ursin stated from what he is hearing someone make a motion to table the adoption of the minutes make changes, the clerk presents them to the Council again and if you agree with the changes the Council can adopt them.

Mr. Snyder made a motion to table the April 24, 2012 minutes. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Appointment of Recreation Member

Mayor Crowley stated this motion is to appoint someone, this is a Mayor's appointment, he appointed this person. This motion is to approve his appointment of Anthony Marino, 45 Mabie Street, Alternate on Recreation. This appointment would be to December 31, 2012.

Mr. Zschack made a motion to approve Mayor Crowley's appointing of Anthony Marino, 45 Mabie Street, Franklin, Alternate #1 of the Recreation Committee. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #4-2012 Authorizing the Conveyance of a portion of Susquehanna Street right of way and execution of a Quit Claim Deed

Mr. Snyder made a motion to adopt ordinance #4-2012 "THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE CONVEYANCE OF A PORTION OF SUSQUEHANNA STREET RIGHT OF WAY AND EXECUTION OF A QUIT CLAIM DEED FOR A PORTION OF A FORMER HIGHWAY. Seconded by Mr. Zschack.

Mrs. Gardell asked about any changes.

Mr. Ursin said the only change from the last time we saw these today is that reverter line was inserted from the Statue. It says if the County no longer needs it for a public purpose that it reverts to the Municipality.

Mr. Ursin stated you can adopt this as is; if you want to get back into the snow removal issue with the County he can [go over that.]

Prior to final roll call, Mayor Crowley will open the meeting to the public for any comments regarding ordinance #4-2012

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

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**ORDINANCE #4-2012 OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, STATE OF NEW JERSEY
AUTHORIZING THE CONVEYANCE OF A PORTION OF SUSQUEHANNA STREET RIGHT OF
WAY AND EXECUTION OF A QUIT CLAIM DEED FOR A PORTION OF A FORMER HIGHWAY**

WHEREAS, the Borough of Franklin in the County of Sussex, a municipal corporation of the State of New Jersey, is the owner of a parcel of real property described the attached "Deed" and "Quit Claim of Former Highway" located in the Borough of Franklin;

WHEREAS, said parcels is vacant and is not needed for public use by the Borough;

WHEREAS, the County of Sussex, a body politic of the State of New Jersey, seeks to replace Sussex County Bridge E-07, also known as the Franklin Viaduct, situated along County Route 631 and requires the conveyances of said Borough property for the replacement project to commence;

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to convey the property described to the County of Sussex for public use;

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-13.4, provides that a municipality may sell and convey property which is not used for municipal purposes to the County in which the property is located, subject to the limitation that the property be used solely for public purposes of the County and if the property is not used in accordance with said limitation, title to the property shall revert to the municipality;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, in the County of Sussex, and the State of New Jersey, that the Mayor and Borough Clerk be and they are hereby directed, authorized and empowered to make, execute, acknowledge and deliver such documents, instruments, and papers and perform such acts as may be legally, properly and reasonably required or necessary for the purpose of conveying the premises described in the attached "Deed" and "Quit Claim of Former Highway" in the Borough of Franklin, County of Sussex, and the State of New Jersey, to the County of Sussex, a body politic of the State of New Jersey.

Paul B. Crowley, Mayor

ATTEST:

Robin Hough, Acting Borough Clerk

NOTICE

TAKE NOTICE that the above entitled Ordinance # 4-2012 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on August 14, 2012 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on September 11, 2012 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

Robin Hough, Acting Borough Clerk

Introduction Ordinance #5-2012 Appropriating the Total sum of \$15,000 from reserve for improvement to Municipal property

Mr. Snyder made a motion to introduce an ordinance entitled " AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$15,000 FROM RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR FUNDING THE GENERAL CAPITAL PURCHASE OF A NEW POLICE BUILDING ROOF BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Zschack.

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Mrs. Gardell stated since we are watching spending is this something necessary or can we get by without doing this at this time.

Mayor Crowley commented this has been planned for awhile it also has to do with the bat problem if you put it off this will be more expensive. This is one of the areas that was planned for. He recommends that this move forward.

Mr. Kilduff said this does not come out of current fund budget this ordinance is required because it is being appropriated from our reserve fund it doesn't affect the budget that we have now.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Mayor Crowley commented as he said before copies of this ordinance would now be public record, be advertized and be available to the public.

Final Reading: September 25, 2012.

Resolution #2012-65 Tax Refund

Mr. Sndyer made a motion to adopt resolution #2012-65 authorizing the tax collector to refund Henry Lacap, Attorney for Carrols Corp. the amount of \$3,757.83 due to State appeal granted for tax year 2011 for Block 1101 Lot 5. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Resolution #2012-66 Tax Refund

Mr. Snyder made a motion to adopt resolution #2012-66 authorizing the tax collector to refund Michael I. Schneck, Trustee for Durling Realty, LLC in the amount of \$6,542.60 due to State appeal granted for tax year 2011. Seconded by Mr. Zschack.

Resolution # 2012-67 amending resolution #2012-53

Mayor Crowley explained the resolution; removing the two lots from the redevelopment area.

Mr. Zschack made a motion to adopt resolution #2012-67 amending resolution #2012-53 for remove Block 1601, Lots 9 and 10 from Area E. Seconded by Mr. Giordano.

Mrs. Gardell asked if DCA would be notified.

Mayor Crowley said we would send them a copy.

Mr. Kilduff commented we are removing two properties not adding two in.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

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Introduction Ordinance #6-2012 adopting a Redevelopment Plan

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 1601 LOTS 5, 6, 7 AND 8 (FORMERLY, BLOCK 70 LOTS 7.05, 16, 17, AND 15 RESPECTIVELY)"
Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder,

Nays: Zschack Absent: None Abstentions: None

Final Reading: September 25, 2012

Discussion on the Franklin Fire Department Lease

Mayor Crowley stated he has been working on this and he hoped the leases will be ready by the next meeting.

Discussion on 2013 NJDOT Trust Fund Grant Applications

A discussion was held regarding 2013 NJDOT Trust Fund Grant Applications. Mayor Crowley commented Mr. Knutelsky recommends High Street and Junction Street.

Mr. Kilduff stated we have to take action tonight because the grant applications have to be submitted in October. Four streets were originally discussed; in Mr. Knutelsky report today he is recommending the Borough precede with the DOT local aid grant applications for High Street and Junction Street. These are the street that will have the highest probability of getting approval from DOT. That is always the issue when we discuss many of the projects.

Mr. Snyder stated with the 100th anniversary coming up he thought something could be done with Main Street. This is a main spot and that is why he would like that to be considered but he can see our priorities being Junction Street that is a mess and he can see for safety the sidewalks on High Street.

Mrs. Gardell stated she agrees that Junction Street is in desperate need of repair but rather than High Street she was looking at an application for Buckwheat Road, sidewalks etc.

Mr. Zschack asked if the recommendation was for two streets or for one.

Mr. Kilduff said the application is for two roads.

Mrs. Gardell stated we did two last year; they were Scott Road and parts of Rutherford down the north end with sidewalks.

Mr. Kilduff commented he had asked if we can apply for three or four. We can but the Borough would lose its chances of getting what we want because you are asking for too much.

Mr. Zschack made a motion to recommend High Street and Junction Street as explained in Mr. Knutelsky letter. Seconded by Mr. Giordano.

Upon roll call vote:

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Ayes: Giordano, Zschack, Mayor Crowley
Nays: Gardell, Snyder Absent: None Abstentions: None

There was a discussion on sidewalks for the town.

Mr. Snyder made a motion to endorse the Governor's Proclamation designating today, September 11, 2012 as Patriot Day and National Day of Service and Remembrance. Seconded by Mr. Giordano.

Upon roll call vote:
Ayes: Gardell, Giordano, Snyder, Zschack
Nays: None Absent: None Abstentions: None

Mr. Giordano referred to the vouchers that he had asked to be removed from the agenda. Mr. Giordano referred to voucher 18337 and 18341 which are basically Verizon wireless bills. He asked is it possible to check and see if the Borough is out of contract; because if we are out of contract maybe we can get a better contract.

Mr. Giordano referred to voucher 18316; which was Fire Fighter and for clothes equipment last year we had a large clothing bill as well.

Mayor Crowley commented he doesn't know if this was in the budget.

Mr. Kilduff explained these are the kind of expenses that come up.
There was a discussion the voucher.

Mr. Giordano made a motion to approve the vouchers he had removed from the consent agenda. Seconded by Mrs. Gardell.

Upon roll call vote:
Ayes: Gardell, Giordano, Snyder, Zschack
Nays: None 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 contracts. Motion seconded by Mr. Snyder.

Upon roll call vote:
Ayes: Gardell, Giordano, Snyder, Zschack
Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:07 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley stated the Borough Attorney will be working on a new ordinance regarding background check.

Mayor Crowley commented on working on a change to the construction offices contract.

Mr. Zschack asked what the motion would be.

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Mr. Ursin said the motion would be to direct Mr. Kilduff with the assistance of himself to pursue negotiations with Hardyston for an amendment to the existing Construction Office Contract as Mr. Kilduff outlined in closed session.

Mr. Zschack made the motion. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Mr. Kilduff stated he would like to propose the change in policy as far as notification to the Borough regarding anyone who may drive a Borough vehicle any volunteer or employee that the Borough be notified immediately.

Mayor Crowley stated to write that up for the next meeting and have a policy change.

Mr. Ursin said we should do a resolution stating the broad policy directing that it would be incorporated into the personnel manual and at the same time sending a directive to any organization such as the Fire Department, First Aid Squad and anybody else that might drive a municipal vehicle. That the Council is requesting to incorporate that policy into their policies. Because the personnel manual should be a guide to volunteers but we don't have the same formality with that. We don't have them sign copies and amendments and so forth.

Mr. Ursin said he hears the directive from the Council and will give them something to consider.

There was a brief discussion on this matter.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:14 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk