

**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  
November 27, 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 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 November 19, 2012 from Mayor Paul Crowley to Suzanne DiGeronimo, FAIA Re: Borough of Franklin – Old Zinc Mine Site.
2. Letter dated November 2, 2012 from Margaret Rorick Beach to Borough Council.
3. Letter dated November 16, 2012 from Melissa Rockwell, CTA Sussex County Board of Taxation to Mayor and Governing Body.

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

1. Construction Activity Report for October 2012.
2. Municipal Court Report for October, 2012.
3. Board of Health Report for October, 2012.

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

1. None Filed

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

1. Payment of bills for the meeting of November 27, 2012.

Mr. Snyder made a motion to approve the consent agenda of November 27, 2012. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

**COMMITTEE REPORTS**

Mr. Zschack reported they are still in the process of interviewing for a new police officer; 13 have been interviewed so far, additional interviews are scheduled for Thursday.

Ms. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Snyder reported the personal committee had met last Tuesday and went over the evaluation reports for the Administrator. Since that time we meet with the Mayor with regards to the evaluation. The next move would be to sit down with the Mayor and Administrator to go over the evaluation.

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Mr. McBriar informed the Council Mr. Ursin would be here in 10 minutes.

Mr. Kilduff reported some of the items from his administrators report; the full report is on file in the clerk's office.

Mayor Crowley reported there will be a dinner at the Firehouse on Friday November 30 at 7:00 to help Brian Davis and his family whose house had damage due to a fire. There is another dinner on Saturday Night, a venison dinner if anyone was interested to see one of the firemen

Mayor Crowley congratulated the Franklin Fire Department for coming in 3<sup>rd</sup> place in the parade with the fire truck decorated.

Mayor Crowley explained to the Council overtime occurred in the Borough because of Hurricane Sandy, the hostage situation on November 17 and snow removal.

Mayor Crowley reported the bridge is finally closed; there is an increase of traffic on Davis Rd. and Scott Rd.

Mr. Kilduff stated there is an updated status report of the bridge project on the Borough's website. The report was also sent to all the Council members.

Mayor Crowley commented there is a very controversy Zoning Board Application coming up; there has been a lot of people coming by the town hall to talk about where the Walgreens is coming in. He wanted to bring this to the Council's attention.

Mayor Crowley stated during the hostage situation there was one fatality. The police did an excellent job; the first responders at the scene were in the line of fire, they took one of the injured parties out. The hostage situation lasted about 10 hours. It was supported by almost all the local police departments and the State Police Tactical unit and a hostage negotiator from Byram. Everyone did a great job. The Firemen were out blocking off the roads during the hostage situation to help keep traffic away from the area.

Mayor Crowley explained a letter in the Council's packet regarding someone that visited a cemetery indicating she was upset about the piping that was there. Now that the Evans Street project is done the piping is no longer there; he will try to contact this person to let her know some repairs have been done. Mayor Crowley explained other repairs that need to be done fencing, tree down etc.

Mayor Crowley commented the tree lighting is this Saturday down by the Senior Center.

**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. Snyder. All were in favor.

David Finale, 59 Liberty Lane, Franklin, stepped forward. Mr. Finale stated the tree that needs to be taken down he could take care of that we can at least get the tree down and if Borough still has their chipper maybe they can take care of the clean up.

Mayor Crowley explained where the tree was down.

Mr. Finale stated regarding e-ticketing he thinks that is great. Mr. Finale explained to the Council his concerns regarding auto license plate readers.

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Joann Tatka, 151 Maple Road, Franklin, stepped forward. Ms. Tatka asked if the Borough Calendar is going to be printed. Mayor Crowley commented yes. Ms. Tatka asked if police cars had 6 or 8 cylinders. Ms. Tatka questioned when the County 911 would be ready and if the Borough would be considering going with the County. Ms. Tatka asked about the Well sign on Rte 517.

Fred Babcock, 75 High Street, Franklin, stepped forward. Mr. Babcock commented people need to know the cost of E-Ticketing.

There being no one else present who wished to address the Governing Body, Mrs. Gardell made a motion to close the meeting to the public, seconded by Mr. Zschack. 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. Zschack made a motion to approve the meeting minutes of the Regular Meeting and Executive Session meeting held on November 13, 2012. (Absent: Kulsar) Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

**Adoption of Ordinance #8-2012 Criminal Background Checks**

Mr. Zschack made a motion to adopt Ordinance#8-2012 **OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING CHAPTER 196, ATTACHMENT 1 ENTITLED "RECREATION AREA RULES AND REGULATIONS" AND CHAPTER 106 ENTITLED "CRIMINAL BACKGROUND CHECKS" OF THE CODE OF THE BOROUGH OF FRANKLIN.** Seconded by Mr. Snyder.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #8-2012.**

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack

Nays: Gardell Absent: Kulsar, Limon Abstentions: None

**Adoption of Ordinance #9-2012 Tax Exemption and Abatement**

Mr. Zschack made a motion to adopt Ordinance #9-2012 **AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ESTABLISHING THE ELIGIBILITY OF COMMERCIAL AND INDUSTRIAL STRUCTURES FOR THE FIVE YEAR TAX EXEMPTION AND ABATEMENT PURSUANT TO N.J.S.A. 40A:21-1, ETSEQ.** Seconded by Mr. Snyder.

Mayor Crowley stated we talked about fees involved; he believes this is the first ordinance.

Mr. Ursin commented yes, to avoid any confusion items 3 and 4 are identical ordinances in front of the Council; the fee structure was revised in the second ordinance. Mr. Ursin stated he is recommending that if the Council prefers the fee structure in the second ordinance as amended; then vote no on ordinance listed as

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number 3 and that would allow the Council to get to item 4, hold the public hearing then deliberate. Mr. Ursin stated if it is the Council intention to vote this down a procedural amendment you don't need to open this to the public.

Mayor Crowley recommended to vote against this so we can take this ordinance off the table.

Upon roll call vote:

Ayes: None

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

Abstentions: None

Mayor Crowley announced it is refused.

Adoption of Ordinance #10-2012 Tax Exemption and Abatement

Mr. Zschack made a motion to adopt Ordinance #10-2012 **AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ESTABLISHING THE ELIGIBILITY OF COMMERCIAL AND INDUSTRIAL STRUCTURES FOR THE FIVE YEAR TAX EXEMPTION AND ABATEMENT PURSUANT TO N.J.S.A. 40A:21-1, ET SEQ.** Seconded by Mr. Snyder.

Mayor Crowley stated this is word for word [from ordinance 9-2012] except for a change in the percentage; there has been some discussion during the two weeks regarding the percentage. Mayor Crowley explained the percentage; this fee is for the developer to cover the Borough's administrative cost. There was discussion the fee was to large, there is some talk it should be lowered to bring people in for development. Mayor Crowley asked the Council for comments.

Mrs. Gardell commented on the fees, she wants to voice her opposition to the ordinance, being restricted to only have a 5 year extension abatement law for commercial investors and not to residential or multiple units.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #10-2012.**

Thomas Grevo, Esq. Morristown, New Jersey, stepped forward. Mr. Grevo stated following up on a comment he had made previously at the introduction phase, the fee schedule even as reduced could impose significant application fees on any potential redevelopment project. Mr. Grevo gave an example of a fee. Mr. Grevo stated the law says a fee has to have some reasonable relationship as to what it costs the municipality to process the application. Mr. Grevo recommended a cap be added to the end of number 19.

Mr. Ursin stated the discussion we had last time; there is not a clear pattern of track record as to what these application fees are around the State. Mr. Ursin commented the ordinance that was turned down had a fee schedule that is existent in another town. The Ordinance 10-2012 has greatly reduced off that fee schedule but the fee is still higher than those that exist in a number of places. Mr. Ursin commented Mr. Grevo is correct the fee should reflect the cost of processing the application. Not a lot of guidance is giving on that point. Mr. Ursin stated the Council can also put a cap on the fee; it would be the type of change that would not prevent the Council from passing this on second reading tonight.

Mayor Crowley asked if anyone else from the public would like to address the Council on this matter.

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Mayor Crowley stated it is up to the Council if they want to add an amendment in the ordinance.

Mr. Zschack stated he was for putting a cap on this.

Mr. Giordano asked what would be involved in the application review.

There was a lengthy discussion on what the fees should be in the ordinance, the amount of administrative work involved in reviewing an application, having a low end and a high end to the fee,

Mr. Ursin stated someone would have to make a motion to amend the ordinance.

Mrs. Gardell read first page number two of the ordinance and asked Mr. Ursin to clarify. Mr. Kilduff and Mr. Ursin explained this section. There was a brief discussion.

***Mr. Zschack made a motion to amend the original motion for ordinance #10-2012 section 19 application fee schedule to add a minimum application fee of \$1,500 and a maximum application fee of \$25,000. Seconded by Mr. Giordano.***

Mayor Crowley stated since this ordinance was amended he opened to the public again.

Thomas Grevo, Attorney, stepped forward. Mr. Grevo commented the fees are still high. He explained reasons why the fees would still be high.

Mayor Crowley asked if there were any other comments. Mayor Crowley stated we will vote on the amendment to the ordinance; then move onto the ordinance.

Mr. Ursin said I thought you voted on the amendment.

Ms. Hough said there is a motion and a second. Mr. Ursin said to vote on the amendment then vote on the ordinance as amended.

Mayor Crowley commented the vote is for the amendment as by [motion by Mr. Zschack].

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Mayor Crowley stated we will have a vote on the ordinance as amended.

Mayor Crowley stated we have a motion and a seconded on the ordinance we are voting on as amended.

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack

Nays: Gardell Absent: Kulsar, Limon Abstentions: None

**Nutrition Program shared service agreement**

Mr. Zschack made a motion to approve a shared service agreement Authorizing the Borough of Franklin to enter into a shared service agreement with the County of Sussex for the Management of the Franklin Congregate Nutrition Program in accordance with the provisions of N.J.S.A. 40A:65-1 ET SEQ. The agreement

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provides funding to the Borough in the amount of \$22,700 for operations of the senior nutritional program. Seconded by Mr. Giordano.

Mr. Snyder asked if Mr. Ursin had reviewed the contract.

Mr. Ursin stated he did review the contract.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution 2012-82 requesting approval of items of Revenue and Appropriation NJSA 40A:4-87

Mr. Zschack made a motion to adopt resolution 2012-82 requesting approval of items of Revenue and Appropriation NJSA 40A:4-87 for the like sum of \$4,400 is hereby appropriated under the caption Drive Sober or Get Pulled Over year end 2012 Grant. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution 2012-83 Outstanding Check Balances

Mr. Zschack made a motion to adopt Resolution 2012-83 cancelling outstanding check balances for checks not returned or unclaimed: Check #34835 (Clearing Account ) in the amount of \$120.16 and Check #35393 (Clearing Account) in the amount of \$1,283.37. Seconded by Mr. Snyder.

Mr. Kilduff asked the Council to amend the resolution to remove the second check #35393 in the amount of \$1,283.37. Mr. Kilduff stated he had a discussion with the CFO today that was actually a payment to a professional for a check that was not cashed.

Mr. Zschack made a motion to remove check #35393. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution 2012-84 Outstanding Check Balances for Franklin Municipal Court

Mr. Snyder made a motion to adopt resolution 2012-84 for Franklin Borough Municipal Court cancelling outstanding check balances for the following checks not returned or unclaimed: Bail Account: Total \$22.00; General Account total \$501.99. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution 2012-85 Municipal Budget Transfers

Mr. Snyder made a motion to adopt resolution 2012-85 Transfer of Appropriations (2012 Municipal Budget) in accordance with NJSA 40A-58/59 in the amount of \$21,650. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

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Resolution 2012-86 Dedication by Rider Account

Mr. Snyder made a motion to adopt resolution 2012-86 transferring the balance of \$5,000 into the Dedication by Rider Account. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution 2012-87 Salaries for the year 2012

Mr. Snyder made a motion to adopt resolution 2012-87 salaries paid to Borough employees for services rendered. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

E-Ticketing contract

Mayor Crowley stated we need a motion to approve the contract; the Council needs to decide if they want a three or five year contract.

Mr. Ursin informed the Council that he and Mr. Kilduff had looked at the contract; one of the issues in the contract was the termination clause. The contract does not allow the Borough to terminate the contract early; we made a pitch to the company for early termination clause on a theory this technology contract and things change quickly that might be useful for the Borough. The point that was made by the company they invest a lot of funds in hardware, training and other upfront costs and they were not willing to negotiate an early termination clause. So when you are thinking of three versus five years the Council might want to consider that.

Mr. Snyder stated to go with the three year contract the five years would be way too much.

Mr. Zschack and Mr. Giordano agreed.

Mr. Snyder made a motion to approve a contract between Gold Type Business Machine, Inc. (GTBM) and the Borough for 3 years for Info Cop, E-Ticketing Hardware and Software. The per ticket fee for the first 1783 tickets issued shall be \$2.22 per ticket and \$1.64 thereafter. Seconded by Mr. Zschack.

Mr. Kilduff recapped e ticketing for the public to have an understanding of the system.

There was a discussion by the Council on e-ticketing.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Part-Time services for general secretarial/clerical duties in the tax assessor's office.

Mr. Snyder made a motion to retain the part-time services of Deborah Intveld for general secretarial/clerical duties in the tax assessor's office. This position shall be up to 10 hours a week. Seconded by Mr. Zschack.

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Mr. Snyder stated there was a personnel meeting in regards to Mrs. Intveld; she is already in a part time for \$8.00 an hour.

Mr. Kilduff stated she was working 15 hours.

Mr. Snyder stated the committee decided to reduce the hours to 10 hours; they didn't feel the salary of \$12.00 an hour would be a salary we would want to continue. We agreed on \$10.00 but not \$12.00 an hour.

Mr. Kilduff replied the \$12.00 an hour was his recommendation. Currently Mrs. Intveld is a great employee; she is being paid for 15 hours a week. This motion would change her hours to 10 hours a week; she is great asset to the Borough so he thought that was a fair salary hence is recommendation of \$12.00 per hour.

Mr. Zschack asked if we need to set an hourly rate as part of this motion.

Mayor Crowley commented the Council should.

Mr. Zschack made a motion for \$10.00 per hour. Seconded by Mr. Giordano.

Mayor Crowley asked who made the original motion.

Mr. Snyder amended his motion to include \$10.00 dollars per hour. Seconded by Mr. Zshack.

Mayor Crowley stated it is the same motion as amended to include \$10.00 per hour.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

**Refund of Police Application Fee**

Mr. Snyder made a motion to approve a refund for police officer application fee in the amount of \$50.00 to Michael McInerney. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Snyder, Zschack

Nays: Giordano Absent: Kulsar, Limon Abstentions: None

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:15 p.m., seconded by Mr. Snyder. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Acting Borough Clerk