

**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
February 26, 2013**

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: Mr. Babcock, Mr. Giordano, Mr. Limon, Mr. Snyder and Mayor Crowley.

Absent: Mrs. Gardell, Mr. Zschack

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."

PRESENTATIONS

Judy Williams updated the Governing Body on the historic marker for 100th year celebration of Franklin Borough. Mrs. Williams reviewed what was discussed during her presentation at the last Council meeting.

Mrs. Williams explained if the Council was in agreement to move forward with the Historic marker she would first need written permission from the Council. Mrs. Williams informed the Council on the different areas that are being considered for the historic marker. The one place that seems best is the area by the pond with the gazebos.

Mrs. Williams stated she would also need the verbiage approved on letter head and notarized. The point so that no one at a later date can question who put up the sign or approved the verbiage.

Mrs. Williams stated the amount of money that was raised to date for the verbiage.

Mayor Crowley asked if any Council members were against the sign to speak up now.

Mrs. Williams explained some of the history of Franklin Furnace.

Mr. Kilduff asked if the price for the sign was around \$2,200.

Mrs. Williams commented that is correct, prices do go up in the spring. She is under a time frame.

Mr. Kilduff stated he consulted with the CFO and there is an old street ordinance for improvements for streets and there is some money in that; we could probably make that money available with the Council's approval. Mr. Kilduff told Mrs. Williams she has done a great job raising money; if we were to split this 50/50 do you think this will be manageable.

Mrs. Williams said to be clear with the funds she is able to raise so far and with the Borough.

Mr. Kilduff stated yes.

Mrs. Williams stated that would be very fair.

Mayor Crowley stated he doesn't see anyone against this; the next step would be to get the verbiage written up so we can approve it.

Mrs. Williams read to the Council a draft of the Verbiage.

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Mr. Snyder questioned approving the amounts we will be spending.

Mrs. Williams explained resolutions she would be trying to obtain from Senator Oroho's office, Assemblywoman McHose and Assemblyman Parker. Mrs. Williams checked in with Hardyston to see what they had and it was beautiful. Mrs. Williams explained what the resolutions would state.

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. None for Filing

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health report for January, 2013
2. Municipal Court Report for January, 2013

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 26, 2013.

Mr. Limon made a motion to approve the consent agenda of February 26, 2013. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Giordano reported there will be a recreation meeting this Wednesday. We will discuss Franklin Night. The FOP is going to sponsor the fishing contest; he has been in contact with the committee they have appointed.

Mr. Snyder had nothing to report.

Mr. Limon reported personnel received three letters from various department heads requesting either additional hours or higher salary. Mr. Limon stated he spoke with Mr. Snyder on the committee; we really feel if the funding is not available we shouldn't really entertain this at this point in time. He knows there was correspondence received, if you want to meet we can meet.

Mayor Crowley said we should get involved with the budget first.

Mr. Limon commented that was what he was thinking; if the funding isn't there we can't do it. Mr. Limon stated he was very concerned about this from the last meeting and it seems like we opened the flood gates.

Mr. Babcock had nothing to report

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Mr. McBriar, Esq. had nothing to report.

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

One item on the administrator's report was regarding the hiring of a police officer when he passes the academy. To offer this potential employee the job when he passes, he is already enrolled in the academy.

Mayor Crowley asked if anyone opposed hiring this individual after graduation. No one objected.

Mr. Kilduff continued with his report.

Mr. John Ursin, Borough Attorney, arrived approximately 7:30 PM.

Mayor Crowley wanted to reiterate that the tax collection is down. The County and School still get 100 percent of their taxes even though we don't collect 100 percent from our local citizens. So when we don't collect all the taxes it is a double problem because we still have to give 100 percent to the County and the Schools.

Mayor Crowley informed there will be a Recreation meeting tomorrow night; he recommends the public to attend. Also on Thursday night there will be an historic preservation meeting; this will be the second meeting.

OPEN PUBLIC SESSION

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Limon. All were in favor.

Judy Stampone, 59 Woodland Road, Franklin, stepped forward. Ms. Stampone had a display of pictures for the public to view while she read her statement commenting on revamp, reinvest and revitalize Franklin and how we can in vision Franklin Borough for the future. Ms. Stampone requested to look into the finances of the school system and suggested some items to review.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked about the Norwescap office what the Borough was charging them for and who cleans the office. Mrs. Tatka asked what company the Borough used for the employee health plan. Mrs. Tatka questioned the salary increase that was done at the previous meeting. Mrs. Tatka asked if the old Morley Shirt Factory is none profit.

Mayor Crowley explained the application for the old Morley Shirt Factory that is before the Planning Board.

Mr. Limon made a motion to close to the public. Seconded by Mr. Babcock. All were in favor.

Mayor Crowley stated we have one more [resident] for public statement.

Emily Basilwitch, One Mill Street, Franklin, stepped forward. Mrs. Basilwitch read a statement she wrote regarding Franklin and businesses on Main Street.

Sally McGrath, 7 Walsh Road, Franklin, stepped forward. Mrs. McGrath asked about a letter that was sent to the Mayor and Council asking the Borough to sponsor the old municipal building that was on High Street. She commented there was no correspondence on the consent agenda.

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Mayor Crowley stated the Clerk didn't see a letter. Mayor Crowley asked Mrs. McGrath to drop off another letter.

David Finale 59 Liberty Lane, Franklin, stepped forward. Mr. Finale spoke about EMT training and how difficult it is for volunteers.

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. Babcock. 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 and Executive Session meeting held on February 13, 2013. (Absent: None)
Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

Resolution 2013-20 release of Vallila Cash Bond

Mr. Snyder made a motion to adopt resolution 2013-20 authorizing the release of a cash bond in the amount of \$500.00 for developer James Vallila, JVC Construction.
Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

Adoption of Ordinance #1-2013 Authorizing a Lease Agreement between the Borough of Franklin and Northwest New Jersey Community Action program, Inc.

Mr. Snyder made a motion to adopt ordinance #1-2013 entitled " ORDINANCE AUTHORIZING LEASE AGREEMENT BETWEEN THE BOROUGH OF FRANKLIN AND NORTHWEST NEW JERSEY COMMUNITY ACTION PROGRAM, INC. FOR A PORTION OF MUNICIPALLY OWNED PROPERTY LOCATED AT GEORGE LABANCE LANE" Seconded by Mr. Giordano.

Mayor Crowley opened to the public ordinance 1-2013.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

Resolution 2013-21 2012 Tonnage Grant Application

Mr. Snyder made a motion to adopt resolution 2013-21 endorsing the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

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Discussion on the Commodity Resale Agreement

At the time there was a discussion regarding a Commodity Resale Agreement between Hardyston Twp and Franklin Borough.

Mr. Kilduff explained the agreement to the Council.

There was a discussion regarding the agreement.

Mr. Snyder made a motion to approve the three year Commodity Resale agreement between Hardyston Township and Franklin Borough. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

Discussion on the 2013 Budget Tentative Schedule

A discussion was held at this time regarding the tentative schedule for the 2013 Budget.

Mr. Kilduff explained the tentative schedule for the Budget. The Introduction to the budget will be March 12; the deadline for the State is March 15. March 20 we are looking at having a Council Budget workshop that is on a Wednesday; if everyone is agreeable to that. Mr. Kilduff stated March 26 we would be looking to finalize the budget, April 9 would be a regular Council meeting and April 23 would be the Budget adoption. Mr. Kilduff stated if there is no issues we will move forward with this schedule.

Mayor Crowley asked the Council if they agreed with that schedule.

Resolution 2013-22 Transfer of Appropriation Reserves

Mr. Snyder made a motion to adopt resolution 2013-22 the transfer of appropriation reserves in the amount of \$4,000. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

Discussion on Proposal for Reassessment Services

At this time there was a discussion regarding requests for proposal for reassessment services.

Scott Holzhauer, tax assessor, stepped forward to address the reassessment with the Council. Mr. Holzhauer stated on February 20 the County Board of Taxation passed a resolution ordering the Borough to do a reassessment. The Reassessment will be done this year to be implemented for 2014. Timing wise it is not the worst thing that could have happened to Franklin because if it went one more year we would have found ourselves in an extremely more costly position. At that point any reassessment would have to have involved all the inspections of all the properties. This is the last possible year before that would be required.

Mr. Ursin asked Mr. Holzhauer to explain this time period to the Council. Mr. Holzhauer explained the time period and the Council asked questions.

Mr. Ursin explained that although Mr. Holzhauer works for the town he directly report to the County Board of Taxation. Mr. Ursin stated if the tax assessor is giving you advice and now the County Tax Board has backed that up with the direction that the

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fair market values have deviated from the assessed values that will make the town a target for tax appeals.

Mr. Ursin said it is very important for the Council to understand that tax appeals financially harm the town. They are law suits against the town when there is a reduction and there is a refund, you as a town don't just refund the 25 percent that is the municipal part, you refund the County part and the school part so it compounds the finance effect on the town. Mr. Ursin commented when your Tax Assessor is giving you advise that he is concerned about a significant number of tax appeals than the Council has to take that into account because the financial effect of that can really damage your budget.

Mr. Holzhauser assisted Mr. Ursin in explaining the reasons why a uniform correction can't be done.

Mr. Ursin commented that Franklin has a very good track record with its tax appeals and the assessor does a great job.

The Council discussed the reassessment.

Mr. Kilduff stated the appraisal he received is for \$24,800; he spoke to the CFO regarding this. In turn the CFO spoke to the Auditor and they feel we can introduce an ordinance at the next meeting when we introduce the budget and the cost can be spread over a 5 year period. Mr. Kilduff recommends that the Council move ahead with this proposal.

Mr. Ursin stated in respect to the proposal in Sussex County you have three companies that tend to bid on the appraisal services; this company is the one that did your evaluation so the cards are there and the similarity is there.

Mr. Giordano asked if they own the data.

Mr. Ursin said no, the town owns the data.

Mr. Holzhauser stated for the record one of the companies he had worked with years ago and had litigation with so that would not be a fit. The other two firms are both reputable; Appraisal Systems and Realty Appraisal. He talked to Realty Appraisal to see if they would be interested, they thought about it and elected not to put in a proposal.

The discussion continued on the reassessment and the proposal.

Mr. Holzhauser stated for the record if there is a need for properties to be looked at, such as if the sales are there and going to be used as the base to establish values, they in all likely hood will go out to those properties. If there are other ones they have questions on or if during the hearing process say something is not right on my card; they will go back out. There will actually be inspections but it will be a smaller number than if we were doing an evaluation.

Mayor Crowley commented if the Council is content with what has been presented as far as he can see we don't have much choice. This is the recommendation from Mr. Holzhauser and other professionals that we accept the bid from Appraisal System Inc. we can then move forward.

Mr. Kilduff said at the next meeting we will need an ordinance to cover the cost of this. Mr. Kilduff asked Mr. Ursin if the Council should take action now.

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Mr. Ursin commented if the Council intends to move forward consider action tonight because it doesn't make sense to prepare the appropriation ordinance if the Council is not going to go forward.

Mayor Crowley asked for a motion to move forward with this, to approve Appraisal System Inc. for \$24,800 for a town wide reassessment.

Mr. Snyder made the motion to move forward with the approval of Appraisal System Inc. for \$24, 800 for a town wide reassessment. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Snyder,

Nays: Limon Absent: Gardell, Zschack Abstentions: None

Addendum to the Agenda

At this time the Borough Council will consider the emergency replacement of Well "B" pump and related piping.

Mayor Crowley informed the Council we have been notified by the Borough engineer that the emergency replacement of Well B pump and related piping was put in the packet at the last moment. This is a capital improvement and it is recommended this be done as an emergency; the total cost is \$18,267.45. If this is approved they will start the work tomorrow. They feel if this is not done it will put the well in jeopardy.

Mr. Ursin gave the Council a overview, under the Local Public Contract Law almost all circumstances with contracts over a certain threshold the law favors that you go out to competitive bidding. Whether it is competitive quotes or a formal RFP process. There are a number of exceptions under the Local Public Contract Law one of the exceptions is in the case of an emergency. So this is placed on the agenda late which again is an exception to the Open Public Meetings Act that it was on the agenda late. What the Council should know if you vote on this tonight it is an exception but a permitted exception provided that you are convinced it is an emergency. In this case the engineer has indicated it is an emergency and put that in writing to the Council. While you don't go out for an RFP or competitive bids under this circumstance you are still required to use the properly licensed contractor, who holds a business registration certificate and is a public works contractor.

Mr. Ursin stated the engineer has put in the letter the contractor that was working on the other well was the low bidder on that well, is mobilized on that site and is recommending to the Council to give the emergency contract to that contractor. Mr. Ursin commented you don't have the opportunity to go out for competitive bids but you have the contractor who won the competitive bid for the nearby project. That is the best you can go on under these circumstances if it is an emergency.

There was a discussion on the emergency for Well "B".

Mr. Limon made a motion. Seconded by Mr. Snyder. Mayor Crowley stated the motion is to approve the emergency expenditure of \$18,267.45 for DPS Pump Services to replace the pump and related piping for Well B the highest rate of capacity of the Borough.

Mr. Kilduff asked Mr. Limon if that was the motion. Mr. Limon said yes.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Gardell, Zschack Abstentions: None

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EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:30 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk