

**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
March 12, 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, Mrs. Gardell, Mr. Giordano, 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."

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 February 25, 2013 from James Kilduff, Administrator to Chief Snyder Re Hepatitis B Vaccine Series Inoculations.
2. Letter from Betty Allen, Secretary Franklin Historical Society to Franklin Business Owners.
3. Letter from Karl Groggaard to Mayor Paul Crowley and James Kilduff Administrator.
4. Township of Andover Resolution R2013-53 opposing Bill A-3553 establishing an early voting process for certain elections, amending various parts of the Statutory Law, Supplementing Title 19 of the Revised Statutes and making an appropriation.
5. Letter from Kathy Talmadge, Manager Direct Services Meals on Wheels to Mayor Crowley.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction report for February, 2013.
2. COH report for February, 2013.
3. Tax Department report for February, 2013.
4. Fire Marshal report for January/February, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. A request from The First Presbyterian Church of Franklin to hold an Easter Dawn Service at the Franklin Pond Gazebo area on Sunday, March 31, 2013.
2. Request from Cub Scout Pack 90 to hold their Annual Soap Box Derby on Sunday, May 19, 2013.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 12, 2013.

Mr. Limon made a motion to approve the consent agenda of March 12, 2013. Seconded by Mrs. Gardell.

Mr. Snyder stated in regards to the letter from Karl Groggaard on Fowler Street; what are the Council intentions.

Mayor Crowley commented to pull the letter off to discuss later.

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Mr. Limon amended the motion to remove the letter from Mr. Groggaard. Mrs. Gardell amended her second.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Babcock stated the budget committee meeting had been an experience.

Mr. Zschack reported the police interview committee is mentioned on the Administrator's report; it will be reported then.

Mr. Limon had nothing to report.

Mr. Giordano reported the permit is in process. Mr. Giordano was referring to the fishing contest on Franklin Day.

Mrs. Gardell reported there will be an electronic recycling waste at SCUMA on Saturday, there is no fee for bringing TV, computers etc.

Mayor Crowley asked if there were limitations.

Mrs. Gardell stated 5, per car, from 7:00 to 1:00.

There was a brief discussion regarding electronic recycling waste.

Mr. Ursin, Esq. had nothing to report.

Mr. Kilduff reported some of the times in his administrators report. The full report is on file in the clerk's office.

Mr. Kilduff reported on hiring the police officer that is presently in the academy and asked for a vote to approved hiring this candidate.

Mr. Ursin advised the Council the hiring of the police officer should be done by resolution.

Mr. Kilduff continued with his report.

Mayor Crowley reported the Wallkill Valley First Aid Squad has had some difficulty in getting enough members to staff everybody. We have had to bring ambulances from out of town; they realize this is a problem. Mr. Kilduff has meet with them; we also had a conference call with one of the outside vendors Saint Claire's Hospital. This is very preliminary talks to help the first aid squad with taking over some of the hours when they can't get personnel to do that. Mayor Crowley commented Mr. Zschack is on the public service committee; he would like Mr. Zschack and Mr. Kilduff to get together; meet with them and Mr. Ursin to see what we need to do to get some type of help for the First Aid Squad during those time periods when they cannot man the ambulance. The Borough is working with the First Aid Squad.

OPEN PUBLIC SESSION

Mr. Babcock 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.

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Neal Moran, 33 Butler Street, Franklin, stepped forward. Mr. Moran commented to the Council his concerns with kids hanging around [his street], the police are called but the kids usually have left by time the police get there.

Mayor Crowley stated this is a police matter; the Administrator will talk to the Chief of police regarding your concerns and getting additional coverage there for you.

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

Mrs. Gardell stated there is one item she would like to discuss, if not now have it on the agenda for the next meeting. Mrs. Gardell commented there was a suggestion by a resident a few weeks ago regarding publishing if there were zone changes that would be affecting residents in the area. It is a good thing to let people know of a change like that; it may not be described in detail in a public notification.

Mayor Crowley commented we will put this on the agenda for the next meeting.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting held on February 26, 2013. (Absent: Gardell, Zschack) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: None Abstentions: None

Introduction to Ordinance 2-2013 Lease Agreement between the Borough of Franklin and the Salvation Army.

Mr. Giordano made a motion to introduce an ordinance 2-2013 entitled "AUTHORIZING LEASE AGREEMENT BETWEEN THE BOROUGH OF FRANKLIN AND THE SALVATION ARMY FOR A PORTION OF MUNICIPALY OWNED PROPERTY LOCATED ALONG GEORGE LABANCE LANE" Seconded by Mr. Zschack.

Final Reading March 26, 2013

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction to Ordinance 3-2013 Establishing Fees

Mr. Giordano made a motion to introduce an ordinance 3-2013 entitled "AN ORDINANCE ESTABLISHING FEES FOR TAX COLLECTOR CALCULATIONS OF REDEMPTIONS OF TAX SALE CERTIFICATES AND TAX LIENS AND FOR NOTARY SERVICES BY THE MUNICIPAL CLERK. Seconded by Mr. Zschack.

Final Reading March 26, 2013

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Resolution 2013-23 increase in reserve for uncollected taxes

Mr. Giordano made a motion to adopt resolution 2013-23 providing for increase in reserve for uncollected taxes percentage. Seconded by Mrs. Gardell.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Historic Marker

Mr. Giordano made a motion to approve a historic marker sign for placement in the pond recreation area with the Borough to contribute 1/2 the cost of the marker up to \$1,100. Seconded by Mr. Limon.

Mayor Crowley stated we have discussed this before, he thinks the text looks very good.

Mrs. Gardell commented she thought being the centennial year we would have a plaque that would celebrate 100 years of being in a Municipality. There is nothing in the verbiage about being the centennial or even the date that Franklin was formed. Mrs. Gardell stated she thought it should be included in some way.

Mayor Crowley stated they were limited to how much space they had and explained why this was written up this way.

Judy Williams, Franklin, stepped forward. Mrs. Williams explained they were limited to 110 words or the costs goes up. What we have now is 111 words.

There was a lengthy discussion on the verbiage and what to change. Council members gave their opinion as to what the historic marker should say, the history of the Franklin Furnace and where to place the marker.

Mrs. Williams hopes the historic marker will be done by May 18 but there are other days, June 29 Franklin Day October 5 with the Fireman's Parade and we still have to December 31 to make things work.

Mr. Kilduff stated what we have here is a letter from the Council endorsing [the marker and verbiage] now we want to change this. The County marker committee wants to know that whatever this Council endorses is the text that we want to keep. In light of the comments he heard tonight perhaps the Council should hold off action and take action next time. If we take action now and change the wording then we would have to do this again.

Mr. Babcock stated he doesn't think we should have a say, they seem to be doing all the work.

Mr. Zschack said he agrees he thinks the society should decide what is on the marker. We would just be approving the money.

Mr. Kilduff said you are approving the language too that is why there is a letter that requires everybody's signature.

Mrs. Williams commented if this works for the Council to put the 1913-2013 under the Great Mining Town; keep in mind the Sussex Historian William McCabe will be examining this he may decide that 2013 does work because the great mining town ended in 1954.

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Mr. Kilduff commented a simple sentence that in 1913 Franklin Furnace became Franklin Borough.

Mr. Kilduff suggested to bring that revised text back to the Council for a vote at the next meeting then sign the letter.

Mr. Babcock asked how long this was going to take.

Mr. Kilduff stated the manufacturing company tells us 8 to 10 weeks. We don't know how busy they are.

Mr. Limon asked if there is any way we can approve the funding and let Mrs. Williams finalize the details without advising the Council of it.

Mayor Crowley said right now we have a motion and a second on the floor. Mayor Crowley asked Mr. Ursin can we rescind or table it.

Mr. Ursin stated someone would make a superseding motion that somebody wants to table if that is what you want to do.

Mr. Zschack made a motion to table to the next meeting the approval of the Historic Marker. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley stated the letter from Karl Groggaard was pulled of the consent agenda. He met with Mr. Groggaard regarding this; he feels and Mayor Crowley agrees with him that sidewalks on Fowler Street would be very appropriate. That is actually a County Road we have passed this on to the County, they have not committed themselves. They are looking to see if you can get money from a grant; sometimes there are grants for sidewalks from the State or we would hope that the County would possibly do some sidewalks as part of the bridge improvements. Mayor Crowley stated the Borough does not have the money for a big sidewalk project even though he thinks this is a very appropriate thing to see, people will be walking over the new bridge get on to Fowler Street then they go right on to the road. This is not safe, when the new bridge is put in, it will be weighted for more truck traffic so there will be more heavy trucks coming across the bridge going to Rte 23 in both directions.

Mr. Snyder commented this has been talked about before, it has been back and forth as to who is responsible as far as the County. This whole project with the viaduct goes back to 1998 it was a 10 million dollars project and after all these years now all of a sudden it had to be done because of the lost of money if we didn't get it done. They only have a projected 8.6 million on this project, he understands all the incentives were built in to get it done as quick as possible and that extended to the end of this year. Mr. Snyder stated he would have liked to have seen this done before this but regardless of that, there should have been money available and especially money available to do this [sidewalks]. There is no weight limit on that bridge any longer and this is a concern. What are we going to do with the truck traffic, this will be a problem and he doesn't want to see anyone get hurt as well as it states in the letter.

Mayor Crowley replied everyone agrees with you, the question comes down to where does the money come from for these improvements. We have a year to start looking for someone to see if there is any DOT money for these improvements.

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Mr. Snyder stated we are the ones losing out after all those years since 1998 not having this done before, we could have had a nicer bridge that was only a few years ago. He just wants to see the Borough to try and get this accomplished.

Mr. Giordano commented a sidewalk would be very good idea on that road.

There was a brief discussion on sidewalks for Fowler Street.

Mayor Crowley stated in the Administrators report there was a police candidate that needs to be approved by the Council. We need a motion and a second to offer employment to this young man.

Mr. Ursin asked if this employment is outlined in the Administrators report.

Mayor Crowley commented in the administrators report it has the conditions, obviously the biggest one is to successfully get through the academy but there is also other administrative things that have to be done, such as background checks, physical checks things like that. It will be a conditional employment that we will be offering this man. Upon completion of the academy and completion of those other conditions that he would be hired.

Mr. Giordano asked if this was the first step in the salary guide.

Mr. Kilduff said yes, for somebody that is graduating from the academy starting step one.

Mayor Crowley said with the completion of the academy and those other conditions he would be hired.

Insert from Mr. Kilduff's Administrators report regarding this police officer as follows:

Members of the Police Interview Committee are in agreement on another police officer candidate: Jeffrey M. Dean. Mr. Dean holds a B.A. in Criminal Justice and is Captain of his volunteer fire department. He is currently enrolled in the Morris County Police Academy and is expected to graduate in June, 2013. With Council's approval, an offer of employment will be made to Mr. Dean, conditioned upon successful completion and graduation from the Police Academy, satisfactory background check and medical exams. This position will be offered at the starting step salary of \$42,980 with employment to commence after graduation from the Police Academy.

Mr. Giordano made a motion to hire Jeffrey M. Dean. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Zschack

Nays: None Absent: None Abstentions: Snyder

Discussion on the CY 2013 Budget

At this time there was a discussion regarding the CY 2013 budget.

Monica Miebach, CFO was present for the discussion.

Thomas Ferry, Registered Municipal Accountant was also present for the discussion.

Mayor Crowley commented the budget committee went over the budget with Mrs. Miebach and Mr. Kilduff before. One of the things he would like to recommend that we go with the full recommendation from Mrs. Miebach, as far as the budget, we

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have the right to cut things but the biggest problem that we have are the non payment of taxes. Our tax payment is down, if we go further down by cutting the budget if we do not get taxes in this will create another problem at the end of the fiscal year. The other thing is we want to be able if there is any money available to supplement the surplus/ fund balance in order to have a healthy fund balance which has a direct impact on the Borough's bond rating.

Mayor Crowley stated he stresses if we do approve the budget as it is written that doesn't mean that we have to spend the money. If something is approved in the budget such as personnel matters, hiring people, things like that, we still have the option later of not doing that, not spending that money at which time the money can be used in other areas or in can just go back in the fund balance.

Mr. Kilduff stated on March 20 there is a scheduled workshop meeting for discussion on the draft budget.

At this time Mrs. Miebach and Mr. Ferry explained the draft budget to the Council, the Council members asked questions. Some items explained and discussed were percentage rate, reserve for uncollected taxes, payment from taxes to the Schools and the County, levy cap, hard cap, cap bank, Moodies ratings, fund balance, fund balance being low for a town this size, tax appeals and reassessment.

Mayor Crowley commented last year we went through the budget for all the right reasons we cut a lot of lines and brought it down. Then we had a problem in August because we started running out of money and luckily we didn't run out to the point of having to borrow but we were very close. Mayor Crowley stated he would be very hesitant to start cutting below the cap; this budget is being presented up to the cap obviously we are not going to go above it; if we start cutting line by line we will start having problems like last year. Even if you budget for things does not mean you have to spend the money.

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 matters. Motion seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:48 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley stated raises were factored into the budget as presented, the other personnel positions that have been recommended by the Administrator in the report he gave have also been put into the budget. The money has been put into the budget to hire a 14th police officer but the decision has not been made to hire a 14th police officer. If we don't do that, then the money will be used someplace else or go back into surplus. It doesn't mean you need to spend the money even if you budget it.

Mayor Crowley commented he had been approached by the Historical Society to renegotiate their lease for the Hungarian Church. Mayor Crowley said he has a

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conflict because he is a member of the Historical Society. Mayor Crowley stated he asked Mr. Snyder to meet with people from the Historical Society and to come forward with what their requests are and why. Then bring this back to the Council.

Mr. Limon asked to verify the date for the spring fling.

Mr. Giordano commented he was aware there is a conflict.

Mr. Snyder asked if there will be a quorum on April 23 on regards to the budget. There was a discussion on the April 23 meeting.

Mayor Crowley asked the Council to check their schedules and if you know you will be missing a meeting specially now with the budget let Mr. Kilduff know.

Mrs. Gardell asked about the construction on the new Wal-Mart.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:54 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk