

**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  
April 9, 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. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Limon

Mayor Crowley led the assembly in the flag salute.

Mayor Crowley stated before we start he explained our Administrator is on vacation and not here. Also some people in the audience say they can't hear in the back. Mayor Crowley reminded the Council members to make sure your microphones are not covered and try to speak up into the microphones. Also to cut down the talking between members when you are talking so the people in the back can hear what is being said.

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 March 22, 2013 from Melissa Rockwell, Sussex County Tax Administrator Re: Final Equalization Table.
2. Letter dated March 25, 2013 from Mayor Paul B. Crowley to the Board of Chosen Freeholders Re: CR631- Pedestrian Safety from E-07 to Oak Street.
3. Memo dated March 27, 2013 from Jim Kilduff, Administrator to Brian Vandebroek Re: Weed Management.
4. Letter dated March 22, 2013 from Kelly-Ann Kimiecik, PE Keller & Kirkpatrick, Inc. to Franklin Borough Environmental Commission Re: Rehabilitation of Sussex County Bridge No. E-06. Statewide Freshwater Wetlands General Permit No. 10A.
5. Resolution from the Board of Chosen Freeholders. Authorizing Revisions to the Sussex County Open Space Program Rules and Regulations.
6. Resolution from Township of Sandyston R-41-2013 opposing Senate Bill S-2511, Amendments to the Open Public Meeting Act.
7. Resolution from Township of Sandyston R-36-2013 opposing "Early Voting" Assembly Bill A-3553 & Senate Companion Bills 2364.

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

1. Municipal Court Report for February, 2013.
2. Tax Department Report for March, 2013.
3. Construction report for March, 2013
4. COH report for March, 2013.

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

1. None Filed

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

1. Payment of bills for the meeting of April 9, 2013.

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Mr. Zschack made a motion to approve the consent agenda of April 9, 2013.  
Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

**COMMITTEE REPORTS**

Mr. Babcock had nothing to report.

Mr. Zschack reported there will be a Planning Board meeting April 15, 2013.

Mayor Crowley commented that meeting will start at 7:00 rather than 7:30.

Mrs. Gardell had nothing to report.

Mr. Giordano report Spring Fling will be this Saturday.

Mayor Crowley commented 12:00 noon at the firehouse.

Mr. Snyder had nothing to report.

Mr. Ursin had nothing to report.

Mayor Crowley reported the ambulance was in a motor vehicle accident today. Two of the first aiders went up to the Hospital. They were checked out; there was no serious problems. The ambulance which was a loner cannot be used. The Borough has two ambulances and both are out of service at this point. Sparta Dispatcher is immediately calling Saint Claire's when an ambulance is needed in town. We are working on getting the Borough's ambulances back on the road. Later on the agenda is a discussion on the motor needed for one of the ambulances.

Mayor Crowley stated he stopped at the Senior Center today, there was also a Wellness clinic this morning and blood pressures were taken.

Mayor Crowley commented we are getting ready for the 100th year celebration on May 18. Mayor Crowley was contacted by Judy Williams invitations are going out he would like to send individual invitations to Hardyston representatives, Mayor and Council, and also our ex-Mayors. General public is invited but we would like to also send out individual invitations. Mayor Crowley asked the Council if there was any objections to this request.

There were no objections by the Council members.

Mayor Crowley stated on the Consent Agenda there was a resolution from Sandyston regarding the OPRA with laws down in Trenton to extend OPRA requests and extend to other committees. Mayor Crowley asked if the Council would want to get a resolution together like that for Franklin to be put on the next agenda.

Mr. Zschack said he would like to see that come forward for us.

Mayor Crowley commented we will get this resolution written up to review next meeting.

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Mayor Crowley referred to a Mayor's Advisory he received regarding legislation introduced that includes Fire Districts, School Districts and County Government to share in the burden for property assessment appeal refunds. This has been a problem for our Borough; the Borough has to give back 100 percent of an appeal when the Borough only gets 30 percent of the money to begin with. Mayor Crowley asked if the Council would support these Senators and Assemblymen in this legislation by resolution. We could have a resolution done; review the resolution and if the Council is supportive of it, vote on it.

Mr. Zschack stated he would like to see that one come forth for the Borough too.

Mayor Crowley stated Mr. Ursin will prepare the resolution.

**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.

Andrew Weekly, 17 Fox Hill Drive, representing Walkkill Valley recreation football stepped forward. Mr. Weekly referenced a letter he had written to the Council; a request to looking into moving the scoreboard from the Franklin Facility to the Wheatsworth Facility.

Mayor Crowley stated this letter came in after the Council's packets were made up for this meeting; it was not distributed to the Council members it will be in our packets for the next meeting.

Mr. Weekly stated this request was recommended by the Recreation Department.

Mr. Giordano stated the recreation committee requested them to go to the Council. The recreation committee didn't feel they are in a position to give away Borough property.

Bob Dabinett, 127 Corkhill Road, Franklin, stepped forward. Mr. Dabinett asked why the Council is advertising for a new Public Works Manager.

Mayor Crowley commented the Borough has been talking about a public works manager for 15 months; we had looked to promote somebody from inside first. The Borough was not able to negotiate a contract so we are now going outside.

Mr. Dabinett stated we had two superintendents, road superintendent at \$75,000 and a water superintendent at \$75,000. One position was eliminated you gave both positions to one man; 21 months ago in June of 2011. He has been carrying both jobs ever since with no increase in salary. This man is doing his job; doing a great job and the Council won't negotiate a decent wage with him. He doesn't understand; he thinks you are wasting money by advertising. This is a good man, has all the licenses and the respect of all his employees down there. Mr. Dabinett stated you are doing a disservice to all of us in town because he doesn't think you will match this man. Mr. Dabinett asked the Council to reconsider.

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 Mr. Giordano. All were in favor.

**OLD BUSINESS**

Mrs. Gardell stated a few weeks ago we discussed noticing property owners if there was consideration being given to making a zone change for those parcels. Mrs.

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Gardell commented she had looked back to the last Master Plan reevaluation; at that time when rezoning was done there were only 19 parcels that were affected. She was pleased to see this doesn't effect a lot of people. Mrs. Gardell commented she didn't think the cost would be prohibited to have that kind of notification done.

Mr. Giordano commented he didn't think that was a lot to ask to have a letter sent out; whether they are certified letters; some kind of notification.

Mayor Crowley stated legally notification is done through the newspaper that we are having a rezoning and a Master Plan. To go further is not required by law; this is something that can be considered the next time we redo the Master Plan. Mayor Crowley stated he would bring this up at the next Planning Board meeting.

**NEW BUSINESS**

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for March 26, 2013. Seconded by Mr. Babcock. (Absent Mayor Crowley)

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

Adoption of Ordinance 4-2013 to exceed the Municipal Budget Appropriations and to establish a cap bank

Mr. Snyder made a motion to adopt Ordinance 4-2013 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) Seconded by Mr. Giordano.

**Mayor Crowley opened the meeting to the public for any comments regarding ordinance 4-2013.**

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

Adoption of Ordinance 5-2013 establishing fees for redemption calculations and notary services

Mr. Snyder made a motion to adopt Ordinance 5-2013 ESTABLISHING FEES FOR REDEMPTION CALCULATIONS AND NOTARY SERVICES. Seconded by Mr. Zschack.

**Mayor Crowley opened the meeting to the public for any comments regarding ordinance 5-2013.**

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

Approval of the Historic Marker

Mr. Snyder 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. Giordano.

Mayor Crowley stated the Council did not get any language on the Marker; we were suppose to have a change in language.

Judy Williams, chairwoman of the 100th year anniversary committee stepped forward. Mrs. Williams commented she thought the new language was emailed to Borough Hall.

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Mayor Crowley commented there was discussion between the Borough Administrator and Wayne McCabe the County Historian before he left. The Borough was waiting for the final version.

There was a discussion on the marker.

The Council took a 5 minute recess at 7:20 PM to make copies and get this matter complete.

The Council reconvened at 7:28 PM.

Mayor Crowley stated we do not have the correct verbiage.

Mrs. Williams replied Wayne McCabe had spoken to her briefly and the new verbiage was on her home computer. Mrs. Williams was under the impression Mr. McCabe had emailed the business administrator and the clerk/registrar. It is possible the Business Administrator has that email and we can't access that. Mrs. Williams stated we verified the copy she had was not the correct version we had verified that with the file and we know it is incorrect. It is prepared but not in front of the Council therefore you can't act on this tonight. Mrs. Williams apologized to the Council.

Mr. Snyder made a motion to table the approval of the Historic Marker. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

Approval of NJ State Firemen's Association Membership Applications

Mr. Snyder made a motion to approve the application for membership of Brian T. Tonic, 424 Rutherford Ave, Franklin to the Franklin Fire Department as recommended by Jeffrey Snyder, Franklin Fire Department Chief.

Mayor Crowley asked if there was any objections.

Mr. Snyder made a motion to approve the application for membership of John B. Snow, 19 Woodbine Ave, Franklin to the Franklin Fire Department as recommended by Jeffrey Snyder, Franklin Fire Department Chief.

Mr. Ursin stated Mr. Snyder is to recuse himself from this; someone else should make the motion and indicate it is a motion to approve both applications.

Mr. Zschack made the motion to approve both NJ State Firemen's Association Membership Applications for Brian Tonic and John Snow. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: None Absent: Limon Abstentions: Babcock, Snyder

Discussion on the Ambulance Repair

At this time there was a discussion on the proposals for the ambulance repair.

Mayor Crowley explained the motor went after 51,000 miles. Mayor Crowley stated we think there was a problem with this Ford motor, there is even a class action suit. It is not under warranty, the Council has three quotes in front of them.

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Mr. Ursin stated we are separately looking into this to see if the Borough could qualify to participate in the Class Action but the timing of this is not helpful to the issue in front of the Council.

Mayor Crowley stated all the proposals are about the same; John Rome has reviewed all the attached [proposals] and recommends to send the vehicles to Strictly Fords to have the work completed at a price of \$12,470.00. The shop is a good shop with a good reputation and are solving the problems with this type of engine. Right now we are down both ambulances the Borough needs to get this one up and running.

There was discussion at this time regarding the proposals in front of the Council. Mr. Giordano explained some information he know of engine repair. Mrs. Gardell questioned Strictly Ford being in New York we would have to pay sales tax that is not included in the quote price.

Terry Gallagher, member of the Wallkill Valley First Aid Squad stepped forward. Mr. Gallagher stated they have a nonprofit ID number.

Mayor Crowley asked even in New York State.

Mr. Ursin stated New York sales tax is out of his roam of knowledge.

Mrs. Gardell commented she thought the two year warranty with Hayden was pretty good for a manufactured engine. That price was \$13,171.

The Council continued with the discussion.

Mr. Giordano made a motion to use Hayden's Auto and Truck Repair go with estimate #45262 with a ford manufactured engine, 2 year warranty at \$13,171.11.

Mr. Ursin stated the motion is pending the CFO certifying funds are available.

Mr. Giordano stated he adds that to his motion. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: None

**EXECUTIVE SESSION**

There was not executive session.

**MISCELLANEOUS COMMENTS**

Mr. Snyder asked if the Zoning Officer could look into vehicle repair work being done on the streets. This is going on in business parking lots; where they are taking the tires off, changing oil and leaving tires along the roadway. Mr. Snyder stated he would like to see this enforced more.

Mr. Snyder stated he has heard complaints regarding when the hydrants are being flushed they need to be more careful with regards to the water that is being pushed out; it is doing damage to the properties of residents.

Mr. Giordano comments in effort to try and do the detours like everyone else but Wildcat Road, Maple Road and Corkhill Road are getting really beat up. Maple

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Road in particular; they have done some patchwork on Corkhill Road but even Wildcat Road is rough.

Mayor Crowley stated he agrees with Mr. Giordano.

Mayor Crowley commented on work that needs to be done at the pond with the upcoming events for the Borough.

Mr. Babcock asked if the keys were ever found for the display case down by the playground.

Mayor Crowley stated he thought that was done by the boy scouts.

Mr. Babcock stated we should have a lock box in the building so the keys are more organized.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 7:43 p.m., seconded by Mr. Babcock. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Acting Borough Clerk