

**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  
May 14, 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 March 20, 2013 (received April 17, 2013) from NJ Department of Education re 2013-2014 Municipal Percentage Shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L. 2009, c.78.
2. Letter dated April 4, 2013 from NJDEP Re: no Further Action Letter address 5 Haines Court.
3. Letter dated April 24, 2013 from James Kilduff, Administrator to Marianne Smith, Township Manager, Re: Franklin Historical Society's 2013 Train Show at the Littell Center.
4. Ordinance 13-03 of the Township of Sparta amending Chapter 18 entitled "Zoning" to modify certain zoning standards.
5. Ordinance 13-04 of the Township of Sparta amending Chapter 18 entitled "Zoning Section 2.1, Entitled "Definitions" of the comprehensive Land Management Code.
6. Memo dated May 1, 2013 from John Eskilson, County Administrator Re: NJ State Fair/Sussex County Farm and Horse Show.
7. Ordinance 2013-04 of the Township of Hardyston amending certain portions of Chapter 185, Zoning, of the revised General Ordinances to address sign controls on a township wide basis.
8. Letter dated April 4, 2013 from John Sowden, Project Coordinator The Franklin Historical Society to Gilbert Snyder.

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

1. Tax Department Report for April, 2013.
2. Construction Report for April, 2013.
3. COH report for April, 2013.
4. Animal Control Report for February, 2013.
5. Fire Marshal/Fire Coordinator report for April, 2013.
6. Police Department Report for April, 2013.

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

1. None Filed

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

1. Payment of bills for the meeting of May 14, 2013.

Mr. Limon made a motion to approve the consent agenda of May 14, 2013.  
Seconded by Mr. Babcock.

Upon roll call vote:

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

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Nays: None Absent: None Abstentions: None

**COMMITTEE REPORTS**

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Limon reported the administrator will be requesting a personnel committee meeting regarding Certified Public Works Manager applications. Mr. Limon stated he wants to meet with the personnel committee soon regarding the secretary Wendy for Franklin Police office.

Mr. Snyder had nothing to report.

Mr. Giordano reported recreation is working on details for Franklin Night. There is a recreation meeting next Wednesday. Mr. Giordano reminded everyone the 100th Anniversary Ceremony will be coming up on Saturday.

Ms. Gardell had nothing to report.

Mr. Ursin had nothing to report.

Mr. Kilduff reported some of the items from his Administrator's report which is also on file in the clerk's office. Mr. Kilduff added one item that was not in his report; the Borough still has one person out in the DPW on workman's comp. so we remain shorthanded.

Mayor Crowley stated the 100th Anniversary will be this Saturday at 3:00 at the Pond. Mayor Crowley thanked the Girl Scouts; they have been down at the pond and have done a lot of projects down there. They have been planting flowers, sprucing up the tables and chairs, generally cleaning up the area; they have done a wonderful job.

Mayor Crowley explained 631 was closed today; the Borough received late notice of this. They [the County] are planning on redoing that bridge at the same time as the Viaduct is closed figuring the road is closed already.

Mayor Crowley commented the Historical Society is publishing a book commemorating the 100th Anniversary. The Book talks about the last 100 years; going from Franklin Furnace to Franklin Borough. If anyone would like to purchase this book talk to the Historical Society. Mayor Crowley stated he has seen the book; it is interesting and very nicely done.

Mayor Crowley stated he personally would like to thank Robin on passing the test; it was quite an achievement.

Mayor Crowley thanked Wes Suckey. Mr. Suckey resigned from the Planning Board. Mayor Crowley stated he has been on the Planning Board a long time. Mayor Crowley thanked him for all the help he has given to the Borough.

Mayor Crowley commented the concession stand in the pond area; is in bad shape, food was left in there from last season. The Borough will have to go in there and clean it up.

**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. Limon. All were in favor.

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Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina stated he is here tonight on behalf of a concerned citizens group called SOS. Save our Supervisor, Brian Vandebroek. Mr. Durina explained Mr. Vandebroek's licenses, certificates and continuing education courses. Mr. Durina stated Franklin Borough is fortunate to have a gentleman like Mr. Vandebroek on the payroll. Mr. Durina handed to the Council a copy of a letter of recommendation from a previous administrator. Mr. Durina read a few items from the letter. Mr. Durina gave a history of Mr. Vandebroek's service as an employee. Mr. Durina asked to please offer Mr. Vandebroek a contract and offer the Public Works Employees a contract.

Carol Truhan, 20 Nestor Street, Franklin, stepped forward. Ms. Truhan stated she was heard last month regarding her RV trailer; she did go to Court and it was found that her fence was sufficient enough. Ms. Truhan stated her concerns over her issues with the Zoning Officer regarding a zoning permit. Ms. Truhan was looking for a refund from the Franklin Court for \$183.

Mayor Crowley stated if the Franklin Court fines you; you need to take this up with the Court. Mayor Crowley commented the Borough has nothing to do with the Courts they are completely separate; they don't even answer to us.

Ms. Truhan stated her concerns over the neighbor's vehicle blocking her driveway.

Mr. Kilduff commented Mr. Drossel had spent hours and hours with you [Ms. Truhan] on this matter. There are issues with the neighbor across the street, issues with you as far as your situation with the neighbor, you have gone to court, Mr. Drossel has reviewed the permit for you to see if he could extend the permit, he has looked at all these things. Mr. Drossel is not here to explain all the things he has done. Mr. Kilduff suggested to Ms. Truhan if she would like to discuss this further to call his office tomorrow to discuss this matter.

Mayor Crowley suggested Ms. Truhan have a meeting with Mr. Kilduff and Mr. Drossel to try and resolve this issue.

David Morgan, 150 Main Street, Franklin, stepped forward. Mr. Morgan stated he sent a fax to the Borough regarding his RV. Mr. Morgan read parts of chapter 161 regarding RV and accessory structures. Mr. Morgan asked why he wasn't informed of changes in the ordinances. Mr. Morgan asked how does the Borough suggest we hide our RV from view on the street and neighbors; that would not require any further permits or expense to us.

Mayor Crowley commented when an ordinance is changed it is advertised publicly and done in public session. It is published in the newspaper and on the bulletin board in Borough hall and is also now on the Borough website. There are legal notices sent out but not individual. Mayor Crowley explained the Zoning Officer usually doesn't act on an issue unless it is brought to his attention. As far as the future you need to talk to the Zoning Officer to see what can be done to solve the problem.

Rich Rockle, 28 Nestor Street, Franklin, stepped forward. Mr. Rockle is looking for a solution in parking the tow truck at his house. Mr. Rockle stated if he loses the tow truck he loses his job. Mr. Rockle commented he has until the seventeenth to try and come up with something. Mr. Rockle asked for an extension to work on this issue.

Joe Martinez, Woodland Road, Franklin, stepped forward. Mr. Martinez was here to talk about the Franklin Pond.

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Mayor Crowley stated that is on the Agenda for discussion. Mayor Crowley asked if he could stay for the discussion to represent Recreation.

John Sowden, 133 Corkhill Road, stepped forward. Mr. Sowden stated he sent a letter to Mr. Snyder regarding lease issues and problems he ran into.

Mayor Crowley stated within the last day or so the Council was sent by email a copy of the lease [for Franklin Historical Society].

Mr. Sowden explained there were many issues and problems and that the success of this project [Hungarian Church] is important to the success of Main Street.

Ms. Gardell asked you mentioned in your letter that USDA was interested in funding the project and whether that was a formal offer from them or verbal discussion.

Mr. Sowden explained at first there were workshop meetings to see if we fit the criteria. Mr. Sowden stated they felt we did but other level and steps were needed. Mr. Sowden explained some of the issues were with the lease. Mr. Sowden stated we have had two meetings with them.

Mayor Crowley said we need to place this on the agenda; maybe not the next meeting but the meeting after that, to discuss this whole thing and come to some type of conclusion.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen explained the book that was put together by the Franklin Historical Society for the 100th year celebration of Franklin. The books will be for sale at the pond this weekend.

Sally McGrath, 7 Walsh Road, Franklin, stepped forward. Mrs. McGrath is treasurer for the Franklin Historical Society. Mrs. McGrath stated along with the history book we have a fund raiser the 100th anniversary T-Shirt which is on sale and will be sold at the ceremony along with the history book. Mrs. McGrath showed the shirt to the Council and public.

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. Snyder. All were in favor.

**OLD BUSINESS**

Mrs. Gardell stated at the last meeting we had the public speak regarding ordinances for RV and commercial vehicles.

Mr. Kilduff stated there was an email sent regarding the ordinances.

Mr. Giordano stated the Council should look at that ordinance specifically and explained why.

Mayor Crowley asked Mrs. Gardell to get the ordinance committee together and look into this ordinance.

There was a brief discussion on the ordinance regarding RV's.

**NEW BUSINESS**

**Approval of the Minute**

Mr. Zschack made a motion to approve the regular meeting minutes for April 23, 2013. (Absent Mr. Snyder) Seconded by Mr. Limon.

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Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Zschack

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #6-2013 to Appropriate \$10,000 from the Capital Improvement Fund

Mr. Zschack made a motion to adopt Ordinance #6-2013 an ordinance to appropriate the sum of \$10,000 from the capital improvement fund to be applied to the General Capital Purchase of a diesel engine for the ambulance. Seconded by Mr. Giordano.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #6-2013.**

No one from the public stepped forward.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Police Officer Conditional Offer of Employment

Mr. Zschack made a motion to approve a conditional offer of employment for a police officer starting step one of the police contract \$42,980. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Zschack

Nays: Limon Absent: None Abstentions: Snyder

Approval of Part Time Summer help utilizing Clean Communities Funds

Mr. Zschack made a motion to authorize the administrator to utilize Clean Communities funds to hire up to 5 students at \$7.25 per hour, up to 20 hours a week for 6 weeks during the summer and one adult student at \$9.50 per hour, up to 25 hours a week for 9 weeks during the summer. the work to be performed is litter control and related clean communities projects. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-37 Risk Management Consultant

Mr. Zschack made a motion to adopt resolution 2013-37 appointing Skylands Risk Management Inc. as its local Risk Management Consultant and the Borough Administrator authorized representative of the public entity and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant Agreement for the year 2013. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Risk Management Consultant's Agreement

Mr. Snyder made a motion to approve the 2013 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Giordano.

Upon roll call vote:

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

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Resolution 2013-38 Urging the State Legislature to approve A-2454

Mr. Snyder made a motion to adopt resolution 2013-38 urging the State Legislature to approve A-2454, which would alter eligibility requirements for unemployment insurance for seasonal public entity workers. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-39 Volunteer Credit Program

Mr. Snyder made a motion to adopt resolution 2013-39 to support and participate in the volunteer credit program (P.L. 1998, C. 145) Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-40 Copier Lease

Mr. Snyder made a motion to adopt resolution 2013-40 authorizing the execution and issuance of the necessary purchase order in the total amount not to exceed \$22,140.00 to Atlantic tomorrows Office for copier lease. Seconded by Mr. Limon.

Monica Miebach, CFO explained the resolution regarding the copier lease. There was a brief discussion on the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Horizon Blue Cross Blue Shield Public employer Dental Trust Rate

Mr. Snyder made a motion to approve Horizon Blue Cross Blue Shield Public Employer dental trust rate increase of 3.29% for a one year rate guarantee for 2013-2014. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Zschack

Nays: None Absent: None Abstentions: Snyder

Resolution 2013-41 Duplicate Tax Sale Certificate

Mr. Snyder made a motion to adopt resolution 2013-41 authorizing the issuance of a duplicate tax sale certificate pursuant to N.J.S.A. 54:5-52.1. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-42 Appointment of Municipal Clerk

Mr. Snyder made a motion to adopt resolution 2013-42 appointing Robin Hough as Municipal Clerk for a three year term expiring on May 13, 2016. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Discussion on Land Use

At this time there was a discussion regarding Land Use incentivizing development and Redevelopment/Rehabilitation.

Mayor Crowley wanted to bring this to the Council's attention. The Borough has several projects in town that are developers projects; the super Wal-Mart area, this developer also has the four stores on the highway that he is looking to develop. The other project is Minor's Cove which has been taken over by Sussex Bank; developers have been looking at that. The third area is the old Hospital property; the developer has a plan, but with today's economic climate he doesn't think that plan is feasible. Out on Route 517 a developer has a large plan out there; they still own the property and still have developmental rights.

Mayor Crowley stated the Council will soon have to decide on whether to go forward with the redevelopment areas or to accept the recommendations or not move forward. These are land use decisions that will be coming up in a few months. Mayor Crowley commented as these developers move forward they will be looking for the Borough to give them incentives to come in and to the development to make it more practical. Mayor Crowley explained some of the incentives the developers might be looking for. Mayor Crowley explained if the Council wants development to come into the town the Council will have to negotiated with incentives. If the Council does not want to give incentive then the Borough should not be negotiating with the developers. The Borough has gone down in population over the past ten years and in [tax] ratable which is due to the economy. The tax problem is we have less people to share the tax load and less tax ratable to share the tax load.

Mayor Crowley stated the Council doesn't have to make a decision now; he wanted to get the Council thinking about this. Before anything is done and it gets brought back to the Council at an open meeting for a vote.

Mr. Snyder stated we have given some incentives now and they[developers] have still walked away. Mr. Snyder commented he doesn't know what the Borough would need to do to draw more ratable in. We have to have sensitive to bring business forward and we need to do something on Main Street.

There was a discussion on development and incentives.

Mr. Giordano stated he would support incentives. Mr. Giordano stated we need to make sure when someone comes in with a plan it is a right size plan for the area. Mr. Giordano commented we need to be sensitive to the people in the smaller neighborhoods.

Mr. Limon stated he is skeptical of incentives because the Borough doesn't have money to pay for them.

Mayor Crowley explained it would not be money out of pocket.

Mr. Zschack stated if there is something particular then he could decide.

Mrs. Gardell explained there is a lot to be done to make the land use approval process a little more friendly. This wouldn't cost the town anything but would encourage business to come here. Applications are very expensive to present meeting after meeting.

Mayor Crowley stated the next step will be redevelopment that will be coming up from the Planning Board to the Council. That will be the next decision for the Council to make.

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Approval of 8<sup>th</sup> Annual Prayer Walk

Mr. Snyder made a motion to approve the request from Family Cloister Learning Center to hold their 8<sup>th</sup> Annual Prayer Walk on Saturday May 18, 2013 beginning at 11:00 AM. Seconded by Mr. Giordano.

There was a brief discussion on the request for the prayer walk.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Discussion on Franklin Pond Park Area

At this time there was a discussion regarding improvement of the Franklin Pond Park.

Mayor Crowley stated the improvement would take several years to do. The improvements would be the pond area and the parking down there. Mayor Crowley commented he can see the recreation for the Borough shifting to the pond area.

Joe Martinez from recreation joined the discussion on the pond area.

Mr. Martinez commented the rendering the Council has was presented a few years ago. Mr. Martinez stated this is a good time to look into the park area and see how we can revitalize that area. We lost football but we can convert that section for soccer. Recreation has some funds available to help rebuild the pond area; the funds are from Franklin night and funds recreation has been saving for many years. Recreation wants to see a track so residents don't have to run to another track to run. Mr. Martinez stated even if we have a subcommittee to look over and see what should be done first. This is a good investment for the community.

Mr. Martinez referred to a plan of the pond area and explained the improvements on the plan.

There was a discussion on the improvements for the pond area, funds to do the improvements, football league that left the Franklin Field, bringing football back to the field, using the field for other sports, soccer, softball and lacrosse.

Mr. Kilduff referred to Mr. Knutelsky, Borough engineer proposal for the cost of the project. Mr. Kilduff explained the costs. Mr. Kilduff asked if the Council would be interested in pursuing the project the next step would be to ask our CFO to come up with a plan or proposal to as to how the project can be funded. We would have to look at all sources of funding and then come back to the Council with the ideas.

Mr. Zschack stated some comments with the plan is that it is all parking, nothing for the fields, concession stand, basketball courts no money is going into that. Mr. Zschack commented obviously everything would have to be phased one way or another but does it make sense to do the parking first or to upgrade the facilities first. To make sure the concession stand is working properly and has a good roof. Go to those things first before we go to the parking or a combination of phasing it; do partial parking and concession stand.

Mr. Martinez commented our [recreation] thought to have a subcommittee and see how do we phase this; decide what projects do we take on first. Mr. Martinez stated recreation has funds they would like to contribute to this.

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The discussion continued on the improvements, phasing and having a subcommittee, having this as a town ballot question, bins with equipment down at the pond area.

Frederick Babcock, employee of DPW stated the football trailers belonged to little league football and were donated by certain people.

Mayor Crowley stated Mr. Kilduff will check on this again but if they are ours [the Borough] we need them out of there.

Mr. Snyder stated he is concerned about other areas in town; the streets, that is a priority also. The amount of money that will be needed for that.

Mayor Crowley stated this is a good plan; it will take years to do. Mayor Crowley commented if we have a plan, start it, phase it then start going into this. Mayor Crowley asked the Council if anyone objects to this as a long term plan. Obviously we are not going to fund this now but to keep going.

Mr. Zschack state the concept is correct we should look into this but do we do this in phases, parking first or what total improvements do we have down there.

Mrs. Gardell commented if you have a need for different sports coming in and the field had to be adjusted; she thinks we should be doing that before we start doing pavement all around and locking us in on an area.

Mr. Martinez stated we need a subcommittee to look into this.

There was a brief discussion on the Borough sign that was placed down by the pond and the positive feedback that was received regarding the sign. The Council also discussed additional mulch for the playground.

Mayor Crowley stated to get a committee to look at this whole project; the big thing is if everyone is on board with this project.

**Addendum to the agenda**

Mayor's Appointment to the Planning Board

Mayor Crowley appointed James Kilduff, Borough Administrator as the Planning Board Class II member term to expire December 31, 2013. Mr. Limon questioned if a Planning Board alternate could serve as Class II. Mayor Crowley stated this appointment is for a town official; the alternates can't be moved up [for this position].

**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 8:54 p.m., seconded by Mr. Giordano. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Municipal Clerk