

**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
June 25, 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, Mr. Zschack, and Mayor Crowley.

Absent: Mrs. Gardell

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

Oath of Allegiance for Police Officer Robert Vander Ploeg III.

Chief McInerney asked Officer Vander Ploeg III to step forward. Chief McInerney introduced Officer Vander Ploeg stating he is a good man and a gentleman and he is happy and proud to have this man on board.

Municipal Clerk Robin Hough gave the Oath of Allegiance to Franklin Borough's new Police Officer Robert Vander Ploeg III.

Mayor Crowley congratulated Officer Vander Ploeg, welcomed him, wished him luck and told him to be safe and careful out there.

Mayor Crowley announced to the public, number 7 on the agenda, resolution regarding the public works manager has been taken off the agenda and will not be discussed.

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 June 10, 2013 from James C. Kilduff, Administrator to Sean Thompson Acting Executive Director, Council on Affordable Housing Re: Franklin Borough Approved Spending Plan
2. Resolution #R2013-87 of the Township of Andover in opposition to Senate Bill 2528 and proposed exemption from source separation requirements.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction report for May, 2013.
2. Municipal Court Report for May, 2013

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Request from Cub Scout Pack 90 to hold their Annual Soap Box Derby to be held on Sunday, August 4th, 2013.
2. Application to operate a Pet Shop at 414 Rte 23 Franklin.
3. Request from Bill Truran to hold a Life Guard Reunion at the old guard house at the Franklin Pond from 4PM to 7PM on Franklin Night.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 25, 2013.

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Mr. Limon made a motion to approve the consent agenda of June 25, 2013. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

COMMITTEE REPORTS

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report. Mr. Kilduff will cover land use in his administrators report.

Mr. Limon requested an executive session later for personnel.

Mr. Snyder reported there was a Capital Improvement Committee meeting; this will be discussed later in the meeting.

Mr. Giordano reported the recreation meeting is moved to Thursday. Franklin Night will be June 29. There will be a fishing contest, ducky derby, many vendors, and extra fireworks for the 100th Anniversary. Mr. Giordano commented Mr. Martinez has worked hard with the planning. Mr. Giordano thanked the DPW and Mr. Vandenbroek for replacing the mulch on the children's playground.

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

Mayor Crowley reported The Scoop, an Ice Cream Shop, had a grand opening last Saturday. Mayor Crowley stated Franklin Night is coming up and recommend everyone to come out to this event.

Mayor Crowley informed the public, Governor Christie will be in Vernon on Friday.

OPEN PUBLIC SESSION

Mr. Limon 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.

Alison McHose, 76 Buckwheat Road, Franklin, stepped forward. Assemblywoman McHose stated the Assembly passed the State Budget and explained. Assemblywoman McHose complimented the town on the beautification and was proud to be part of the 100th Year Anniversary at the pond. She complimented the DPW crew on their hard work and the work they are doing on the playground.

Assemblywoman McHose stated as a resident, she is here on behalf of Brian Vandenbroek; she wants to support him in his position. A couple of years ago when Mike Gunderman was ready to retire, there was a few years where people had a difficulty whether to retire or not due to the State and their pensions. As an outside observer she doesn't think he [Mr. Gunderman] retired in a manner that was fitting to him and the job he did. He is here in the room and Assemblywoman McHose wanted to compliment him. Assemblywoman McHose stated she felt Brian has filled in with his position and Mike's job for the past two years and that young man has gone above and beyond for the residents. She wanted her support for him on the record.

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Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman stated he [Brian Vandebroek] had only 3 months when notified he was getting his position, he is a professional. Mr. Gunderman asked the Council to give Brian [Vandebroek] a chance.

Karen Stefkovich, High Street. Franklin Stepped forward.

Mayor Crowley gave his condolences to Ms. Stefkovich regarding the robbery of her family owned business on Main Street.

Ms. Stefkovich thanked the Borough's detective which she referred to as detective Nevin [Mattessich]. She praised him and the job he did. Ms. Stefkovich explained how Detective Mattessich helped her during the robbery. Ms. Stefkovich commented he [Detective Mattessich] is very intelligent he works none stop, all her emails and phone calls where answered.

Ms. Stefkovich read two pages to the Council of her concerns of Franklin, crime rate, explained the robbery, her loss, drug deals in Franklin, the safety of Franklin's police officers and the need for more police to handle the high crime rate,

Mayor Crowley stated Detective Mattessich is present and thanked him for the job he did with the robbery.

Mrs. Stefkovich stated again the town has a good man in him [Detective Mattessich].

Joe Martinez, 39 Woodland Road, Franklin stepped forward. Mr. Martinez asked the Council to reconsider the purchase of a police car. Mr. Martinez thanked the town for working on the playground and Brian Vandebroek. Mr. Martinez thanked Brian Vandebroek. He hopes that item 7 is off the agenda for a good reason. Mr. Martinez talked about Franklin Historic Points and making Franklin a better place to live.

Pat Rowet, 36 Rte 23 Franklin, stepped forward. Ms. Rowett commented on the redevelopment plans the Council tabled, the black cloud hanging over the properties that were listed in these plans, invasion of the owners property rights and the cost of these actions to the town.

Martha Pleasant, 76 Munsonhurst Road, new resident in Franklin stepped forward. Mrs. Pleasant explained the location of her property and a fence they put up on their property. They went to the zoning officer to get a permit, the zoning officer went out to the property and stated [the fence] had to be so many feet from the Right-of-Way. Mrs. Pleasant received a letter from the County stating the fence had to be moved. Mrs. Pleasant gave her concerns regarding her fence and the process of the zoning permit.

Jim Williams, Wildcat Road, Franklin Stepped forward. Mr. Williams commented he worked with Mr. Vandebroek with OEM during the storms. Mr. Williams commented Mr. Vandebroek has saved the town a lot of money. Mr. Williams gave his reasons from a financial standpoint why Franklin should keep Mr. Vandebroek in his position.

Marty Swiss, 22 Maple Road, Franklin, stepped forward. Mr. Swiss stated he is in support of Brian Vandebroek, he is a good person; if there are some disagreements, work it out.

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Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen explained a similar situation regarding another town where the town kept their employee instead of going with an outsider.

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. Limon. All were in favor.

OLD BUSINESS

Mr. Giordano asked Mr. Kilduff for the status of the vehicles to be auctioned off.

Mr. Kilduff explained he will be meeting with the auction company next week.

Mr. Giordano commented to reconsider the purchase of the police vehicle.

There was a brief discussion on the vehicles to be auctioned off.

Monica Miebach explained to the Council how finances work when auctioning off cars relating to the budget.

Mayor Crowley stated he would put this back on the agenda for the next meeting to be discuss any possible action.

The Council took a break approximately 7:55 PM.

The Council reconvened approximately 8:03 PM.

NEW BUSINESS

Approval of the Minutes

Mr. Zschack made a motion to approve the executive session meeting minutes for May 28, 2013. (Absent: Snyder) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Limon, Zschack

Nays: None Absent: Gardell Abstentions: Giordano

Approval of the Minutes

Mr. Zschack made a motion to approve the regular meeting minutes and executive session meeting minutes for June 11, 2013. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: Giordano

Resolution 2013-59 Authorizing a Duplicate Tax Sale Certificate

Mr. Zschack made a motion to approve resolution 2013-59 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, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

Resolution 2013-60 Renewal of Liquor License

Mr. Zschack made a motion to approve resolution 2013-60 authorizing the Borough Clerk to renew liquor licenses for the 2013-2014 licensing term. Seconded by Mr. Giordano.

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Mayor Crowley stated there are three licenses on the resolution; some of these are pocket license.

Mr. Zschack asked if these were all the licenses in the Borough.

Mayor Crowley stated no.

Upon roll call vote:

Ayes: Babcock, Giordano, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: Limon

Resolution 2013-61 Requesting approval of items of Revenue and Appropriation

Mr. Snyder made a motion to approve resolution 2013-61 requesting approval of items of revenue and appropriation NJS 40A:4-87. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

Resolution 2013-62 cancellation of outstanding check balances

Mr. Snyder made a motion to approve resolution 2013-62 cancelling outstanding check balances with the Municipal Court. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

Mr. Ursin stated the Council can combine numbers 8, 9, and 10 with the same motion.

Mayor Crowley stated 8, 9 and 10 are all tax refunds related to Veterans that were wounded in action and are found 100 percent disabled. This is under the Veterans Property Tax Exemption.

Mr. Limon stated we are refunding but we are not recouping anything from the Schools and County; is that correct.

Mayor Crowley stated that is correct.

Mr. Limon asked if there is any way we can get that.

Mr. Ursin stated with both the school setting and the tax appeal setting, there are no procedures for recovering refunds from the schools or the County.

Mr. Snyder made a motion to adopt Resolutions 2013-55, 56 and 57 Tax Refunds.

Resolution 2013-55 authorizing the tax collector to refund \$2,000.00 to Donald & Nanette Devore Block 907 Lot 11 known as 9 Rowe Place for Veterans Property Tax Exemption. (Tabled from June 11, 2013)

Resolution 2013-56 authorizing the tax collector to refund \$2,637.35 to Leonard and Kathleen Weakland Block 1004 Lot 31 known as 73 High Street for Veterans Property Tax Exemption. (Tabled from June 11, 2013)

Resolution 2013-57 authorizing the tax collector to refund \$1,850.99 to Susan Fillgrove (widow of Karl Fillgrove) Block 2201 Lot 61 known as 36 Woodland Road for Veterans surviving Spouse Property tax Exemption. (Tabled from June 11, 2013)

Seconded by Mr. Giordano.

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Upon roll call vote:

Ayes: Babcock, Giordano, Snyder, Zschack

Nays: Limon Absent: Gardell Abstentions: None

Introduction Ordinance #7-2013 Authorizing a Special Emergency Appropriation

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$25,000 FOR THE PREPARATON AND EXECUTION OF A COMPLETE PROGRAM OF REASSESSMENT OF REAL PROPERTY IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY FOR THE USE OF THE LOCAL ASSESSOR OF THE BOROUGH" Seconded by Mr. Zschack.

Public hearing to be held on July 9, 2013.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Zschack

Nays: Babcock Absent: Gardell Abstentions: None

Discussion on Group 5 Developer's Agreement

Mr. Ursin commented the Council is familiar with the Group 5 Development proposed Wal-Mart off of Rt 23. Previously the Council has already approved the developers agreement, as a result of the Wal-Mart project being canceled there are some permitting issues. The Developer has asked for some small amendments to the developers agreement. Essentially the small amendments that are in front of you would allow some of the initial and aesthetic work closer to Rt 23 to be performed before what was previously, the Phase One work. Mr. Ursin stated he is recommending this to the Council because the Borough Administrator and Borough Engineer both agree the work that would be performed would make an aesthetic improvement to the property while there is more negotiation to the success of this project. It is important so permits can be issued and we don't lose the site; not just to the developer but the Borough permanently.

Mayor Crowley stated the Council has copies with the changes in red.

Mr. Snyder asked if this had anything to do with the ingress and egress of the development behind [the property]

Mr. Ursin commented no.

There was a brief discussion on the changes to the developers agreement.

Mr. Snyder asked if the future development of that area behind would not affect the way DOT approved it prior to the possible changing of this.

Mr. Ursin commented right, keep in mind, nothing that you are approving in this developers agreement would have any effect on what that end project would be. In fact, nothing you are approving tonight changes what the Planning Board has already put in place as far as the phasing of the work, access to Rte 23 all that is set forth in the Planning Board Resolution. The Council would not have the power to change that even if you wanted to; the developers agreement is the document for construction to be completed based upon the Planning Board Resolution. Mr. Ursin stated the changes to the developers agreement doesn't have any effect what so ever on access, highway, circulation patterns, nothing like that. Mr. Ursin asked Mr. Kilduff if he agreed with that.

Mr. Kilduff stated yes.

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Mayor Crowley asked for a motion to pass the changes to the Developers Agreement.

Mr. Babcock made the motion to pass the changes to the Group 5 Developers Agreement. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

Discussion on Capital Improvements and Financing

Mr. Kilduff explained the street and road improvement plan that was in front of the Council. He explained the schedule, the cost to repave the roads and the financing part of the road improvements. Mr. Kilduff explained milling and repaving versus stone and the life expectancy of both.

Monica Miebach, CFO was also present to explain the financing for the capital projects.

The Council had a very lengthy discussion on road improvements, DOT grants, buying equipment and having a paving crew, taking on debt for this project and paying for a project each year.

Mrs. Miebach explained some debt is paid in full this year. It is the perfect opportunity for the Borough to look for capital improvements and how to finance them. The smartest finance advice is to always keep your debt ratio the same. Mrs. Miebach stated we have \$175,000 this year to pay for the Borough's first year roll. Mrs. Miebach explained the Borough's financial situation.

There was a discussion on lowering the Borough's debt ratio, bonds, BANS, one year note, using the \$175,000 for one project without taking on debt and other small projects on the list. Small projects include a security system for the Municipal Building cost is approximately \$7,000 for 7 cameras a basic system, new furnace for the fire department, police department and senior building and salt shed down at DPW.

Mrs. Miebach commented she has a quote for the Fire House conversion, it is just under \$20,000. Mrs. Miebach explained she will be working with Brian Vandenbroek, calling vendors to bring them in for quotes for furnaces and to try and go with a two year contract. Then see which furnace would really need to be done first.

Capital Improvement Projects:

1. Roads
2. Fire Department conversion
3. Security for the Municipal Building
4. Side and front lock enclosures for the salt shed.

Mrs. Miebach explained when the Council decides what they would like done, she need to contact bond council. They prepare the ordinance for the Borough which has to be done is a special way.

Mrs. Miebach explained this will be a new note, for new debt and explained the procedure.

The Council continued to discuss capital improvements.

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Mr. Zschack stated to take the \$175,000 and use it for the items we discussed and not have to bond.

Mr. Giordano commented we had talked about capital improvements done at the pond. Mr. Giordano stated he is not prepared to make a decision tonight. He has spent a lot of time down at the pond, we need a security system down there because things are often destroyed. Mr. Giordano stated to put this off for one month and have the adhoc committee from recreation meet with the Mayor and the finance committee and see if there are things that can be done down there [at the pond]. Mr. Giordano commented we [recreation] have a lot of money in a fund that if we were to get a small portion in this banding, we could take care of a lot of things we want to take care of in Recreation, in addition to beautifying the Borough.

Mr. Giordano commented the \$175,000 could be used for salt shed, security here and at the pond.

Mr. Kilduff stated it doesn't begin to approach what we are talking about with the road project.

The discussion continued with capital improvements projects, dollar amount to spend for the projects, the rates being lower, concern of having additional debt payments, the cost of bond council, work will probably be done spring of 2014 and the Council members went back and forth as to the dollar amount.

Mr. Giordano and Mr. Zschack gave concerns regarding going out for additional debt. Mr. Zschack commented he also realizes the need to pave the roads.

Mayor Crowley commented the priority should be the roads, the longer the Borough puts it off, the worse they are going to be.

Mr. Snyder made a motion spend \$275,000 for capital improvements, the roads etc. Seconded by Mr. Zschack.

Mr. Limon asked if it included the security system for Borough Hall.

Mr. Ursin stated you are setting the dollar amount by this motion you are not deciding on the projects with this motion.

Upon roll call vote:

Ayes: Babcock, Limon, Snyder, Zschack

Nays: Giordano Absent: Gardell Abstentions: None

Discussion on changes to Chapter 161 Land Development

Mayor Crowley commented his feeling is if someone has enough money to have a recreation vehicle, they should store it someplace. It should be shielded on the side or in back of the house; as far as emergency vehicles, one person approached the Council because he had a wrecker he used for emergency and all of a sudden we are changing an ordinance. He doesn't consider a wrecker an emergency vehicle even if it is on call or not.

Mr. Zschack stated the recommendations weren't made because of complaints. The complaints made us aware of the ordinance, we [the committee] read the ordinance and felt things didn't make sense. It had nothing to do because someone didn't like this. The committee picked out things in the ordinance that didn't make sense. People are always not going to like what we do, people are always going to complain, that wasn't part of the factor in coming up with these suggestions.

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Mr. Kilduff commented he provided some thoughts. On the commercial vehicles in a residential zone, the new ordinance proposes to increase the weight of a commercial truck that could be park at a residence from 7 to 10 thousand pounds. Mr. Kilduff stated when he did some checking, that's a number he is seeing in other town ordinances.

Mr. Zschack stated that is why we [the committee] made that recommendation.

Mr. Kilduff commented that makes sense. Mr. Kilduff stated it also says this provision shall not be deemed to limit the use of the commercial vehicle stored in a garage on the premises. What he got from that you can have a 10 thousand pound vehicle in a residential zone; you can have any commercial without restriction that you can fit in a garage. Mr. Kilduff suggested to the Council that you would be getting into some difficult areas when a truck that size comes motoring down the street. Mr. Kilduff commented when reading this it doesn't imply to vehicles in connection with farming operations and then it references four other types of vans. Mr. Kilduff continued to explain the weight of vans. He provided the Council with a memo and pictures which he explained. Mr. Kilduff commented on the need to define what "on call" means.

Mr. Kilduff stated what he noticed in the proposed ordinance is that recreation vehicles would no longer have to be screened from view. The setback requirements have changes so that recreation vehicles would now be allowed in a front yard where the house was set back sufficiently to meet this new requirement for a 25 foot setback. Mr. Kilduff commented generally ordinances he has seen for recreational vehicles you tend to try and get them to be parked on the side yard or the back yard, not in the front yard. Mr. Kilduff suggested the committee to consider that; in an effort to make it a little easier for some of our residents, you might have a situation where you go down the street and have giant boats parked in the front [yard]. Mr. Kilduff stated it becomes a question of what should we as property owners be allowed and what becomes visually offensive to neighbors. He cautioned the committee about allowing recreation vehicles in front yards.

Mr. Zschack stated we will take a look at these suggestions as a committee, the rest of the Council needs to look at this too, drive around and look around [the Borough]

Mr. Giordano stated he thinks we can change C to be in the side yard but if someone has a recreation vehicle they want to park on the side of their house, until someone pays their taxes it is still their property. Mr. Giordano commented this is intruding on someone's personal space, if he pays his taxes and his mortgage then he considers his property to be his. Get along with your neighbor, if your neighbor doesn't like the fact you have a boat, talk to your neighbor about it.

Mr. Babcock referred to pictures Mrs. Gardell had at the committee meeting. Mr. Babcock stated he didn't see anything wrong with those pictures.

Mr. Zschack stated the committee will look at this and take Mr. Kilduff's comments into consideration. Mr. Zschack commented that's what the committee was looking for comments back from the Council and Administration.

Mr. Snyder stated at the last meeting he asked if we would be able to do something with the ordinance beyond what you [the committee] has done here, to look at the people who have registered and insured [vehicles] on a residential lot and do not move those vehicles; they sit continuously year round and never move. Mr. Snyder commented if it was him looking at a neighbor with 10 cars in their front and back yard, he would want to have something done. Mr. Snyder stated that is what we need to do because there are other vehicles now that are on private property or

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rented property that are disabled they are not moved and haven't been moved in months but checking into it they are registered and insured.

Mr. Zschack stated they are allowed.

Mr. Snyder commented it is an eye sore to the community, we need to change that ordinance and not allow that.

Mayor Crowley commented Mrs. Gardell is not here.

Mr. Zschack stated he will get in touch with Mrs. Gardell.

Mayor Crowley stated in July and August there is only one meeting scheduled and asked Council members to please check their calendars.

Mr. Snyder stated he will not be here in August but will be at the meeting in July.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Limon made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Gardell Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:58p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley stated during public session when the public comes up to ask questions he requests Council members not to engage the public in conversations because there are factors that might not be known. The public should be directing the comments to the Mayor.

Mr. Giordano stated Franklin is the home of an NCAA champion Cody Silvestre, he took second again this year.

Mr. Babcock commented first place was last year

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Mr. Limon commented make sure we follow up on the auction vehicles.

Mr. Kilduff explained where he was up to date with auctioning the cars.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 10:01p.m., seconded by Mr. Zschack. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk