

**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
September 24, 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. Franklin Borough Planning Board Resolution to recommend certain amendments to the Land Use ordinance 161-3 (Definitions) and 161-34 B (6) (Drive-Through uses) *Note: This item was removed from the September 10, 2013 consent agenda.*
2. Letter dated August 15, 2013 received by the Clerk's office September 9, 2013 from Mary L O'Connell re: crossing guard resignation.
3. Memo received September 9, 2013 from Lori Mitchener to Mayor and Council re: emails.
4. Letter dated September 17, 2013 from James C. Kilduff to Gary Marmo Manager, Market Development Elizabethtown Gas Re: Natural Gas Service in Franklin Borough.
5. Letter received September 16, 2013 on Program Information for Pipeline Safety on October 23, 2013.
6. Memo dated September 17, 2013 from Sussex County Board of Taxation Re replace Column 14 and Column 15 from the Borough's 2013 Sussex County Abstract of Ratables

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex County Municipal Utilities Authority Franklin Borough Flows for August, 2013.
2. Construction Permit Report August, 2013.
3. COH Report for August, 2013
4. Construction Permit Activity Report for August, 2013.
5. Police Department Report, August, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 24, 2013.

Mr. Limon made a motion to approve the consent agenda of September 24, 2013. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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COMMITTEE REPORTS

Mrs. Gardell reported later this evening there is the ordinance regarding the Commercial Vehicles in a residential zone. Mrs. Gardell encouraged the members of the public to use the public session [for comments]

Mayor Crowley explained it is not until the Ordinance is accepted and Introduced then it becomes a public document. The time to make comments would be at the hearing.

Mr. Giordano reported recreation has a meeting this Wednesday. We are doing movies in the park in October the information will be on the sign with respect to the dates and the movies; flyers will be handed out at the school. Mr. Giordano reported the County Fire Parade is October 5; it is an event everyone should go see.

Mr. Snyder had nothing to report.

Mr. Limon reported he received correspondence from the Police Chief; the Chief has new representation; as a committee we will negotiate his new contract. Mr. Limon commented in that meeting we will also discuss a request from an employee for a salary increase. Mr. Limon stated he will be setting that meeting up.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. McBriar, Esq. had nothing to report for the legal office.

Mr. Kilduff reported items from the following Administrator's report dated September 24, 2013.

Borough Sites and Street Issues

Preparations are underway for the County Fire Parade on October 5th. The Borough is hosting this year's parade as part of its 100th Anniversary celebration.

Bridge E-06 rehabilitation work is proceeding with demolition of the old work. The historic stone arch will be saved as new steel stringers, sidewalk and paving will be installed to rehabilitate the bridge.

Following complaints brought up at Council meetings, the N.J.D.O.T Region North Maintenance and Operations staff was contacted again regarding a noisy manhole cover on Rt. 23 at Mabie Street. The Administrator has been advised the repaving contract has been closed and this matter is being handled as a maintenance issue.

A letter has been sent to NJDEP again asking the department to close out its file on a leaking heating oil tank at Borough Hall. The tank was removed in 1997. The DEP is seeking funds from the Borough for its Licensed Site Remediation Professional (LSRP) program. This will be costly to the Borough. The Mayor has requested assistance from Senator Oroho.

Financial Control/Legal Issues

The County has just released an amended abstract of ratables for Sussex County municipalities. In Franklin, the total amount of real property exempt from taxation is \$57,681,000. Special deductions for senior, disabled, surviving spouse and veterans total \$52,000.

A memorandum of agreement has been signed with the New Jersey Office of Emergency Management and the Borough as sub grantee for the Federal Emergency Management Agency's Public Assistance and Hazard Mitigation Programs for presidentially declared major disasters. The MOU permits the Borough access to all FEMA records and forms.

The CFO is collecting capital budget requests from department heads for 2013. A meeting with the budget and finance committee is requested for the fourth week of October.

The Borough has taken delivery on a new 2014 Dodge Charger. The vehicle is being outfitted for police patrol use.

Two more surplus vehicles were sold at auction. Two vehicles remain: a 2002 and 2006 Crown Victoria. These vehicles received bids of \$400 and \$700 respectively. No one came forward to complete the transaction. To date the auctions have netted the Borough \$13,034.26 in sales.

Operational/Personnel Matters

A draft contract has been prepared for Brian VanDenBroek regarding the Public Works Manger position. It is anticipated this contract will be available for discussion and/or action at the next Council meeting.

Job advertisements have been posted for a replacement part time clerk court attendant. The deadline for applications is September 26th.

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The Personnel Committee is reviewing wage and salary requests for several employees.

The Police Chief has retained a new representative, Mr. Frank Marcus, to participate in negotiations for the Chief's new contract. The current contract expires at the end of the year.

Land Use Matters

The Planning Board met on September 16th and were advised the ordinance to improve drive thru regulations was defeated by result of a split vote.

The Developer's Agreement with the new owners of Miner's Cove has been filed with the County.

Long-term and Capital Projects

On behalf of the Borough, Harold Pellow & Associates has filed NJDOT local aide grant applications in accordance with the Council's decision to apply for improvement projects for CR631 and High Street. Resolutions in support of these applications are on the agenda.

Two capital ordinances are on tonight's agenda: \$255,000 for improvement of streets and roads and \$20,000 for improvements to the Fire House to enable conversion from oil to gas heat.

Miscellaneous

The Borough extends its sympathies to the family of James DeLac, a former member of the Walkill Valley First Aid Squad who passed away on September 8, 2013. James's son, Dennis and wife, Barbara are also former squad members.

Mayor Crowley reported the Mineral Show will be held at the school this weekend; he recommended everyone to go. Mayor Crowley commented after 25 years as a crossing guard Mary O'Connell has decided to retire; we wish her luck on her retirement.

Mayor Crowley commented the Firemen Parade is October 5; it is the County Parade and Franklin is celebrating its 100th Anniversary.

Mayor Crowley stated he met with Senator and Assemblywoman McHose Littell this morning, the NJDOT grants were discussed, they will also recommend to DOT these be approved. Mayor Crowley also asked for their help with the NJDEP problems the Borough is having regarding the oil tank that was removed 16 years ago. This oil tank was approved with all the conditions met approved by the Health Department and now the DEP wants to reopen the case which would cost the Borough thousands of dollars to prove everything was done right when it was approved 16 years ago.

Mayor Crowley stated going over the minutes while he was gone it was discussed again about a police hire. Mayor Crowley stated at this point we have approved to hire another patrolman but we keep going around in circles on the process. We have to go forward, we have spent a lot of money in police overtime it needs to come to an end. Mayor Crowley stated he made an executive decision; I'm directing the Administrator to advertise for the position of patrolman and the applications to be returned to the Administrator. When the applications are returned they will be reviewed by myself, the Administrator and the Chief of Police. At that time we will decide whether we have [any] applications that should go forward, if we do, the administrator will sit on the committee for the first round of interviews. If we find anyone that is worthy of coming forth for a second round we will have a background check by the Chief of Police before any further interviews. At that time the second interview by the committee will be done, if a decision is made it will be sent to Council for consideration. If approved that applicant will be notified of conditional employment on the condition that the physical and psychological approvals be finished.

Mayor Crowley stated even though the responsibility of hiring is the Mayor and Council he will tell you right off, any applicant that is not approved by the Chief of Police as far as he is concerned will not go forward. Even though that is not Statute he would say the Chief has almost veto power over the application and the senior police official will be involved in the process.

Mayor Crowley stated we need to go forward to get this done.

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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.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina asked where the contract stands with the employees of the Board of Public Works, PERC and the Borough of Franklin.

Mayor Crowley explained it is still at PERC; it has not gone further, we are waiting for PERC.

Mr. Durina commented when all is said and done he hopes we didn't spend this much money to save this much money. We have to be careful of legal fees when you attack something like this. Sometimes you have to compromise. One day when this is all said and done he would like to review the legal fees for the last several years on getting this thing done. Mr. Durina commented he is here tonight to beg the Council to settle the contract.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez passed out a hand out to the Council regarding recommendations for the pond area. Mr. Martinez said we formulated a committee with 5 other additional members and we went around the neighborhood asking people in that area what they would like to see.

Mr. Martinez explained the recommendations in the handout to the Council. Some of the recommendations were cameras, repairs to the concession stand, scoreboards, cleaning up the grounds, line painters, softball shed, getting footballs, basketballs and baseballs to loan out at the concession stand.

Mayor Crowley commented we are in open session, what he would like to do is let the Council review this and place this on the next agenda.

Pat Rowett, 36 Rte 23, Franklin, stepped forward. Ms. Rowett asked about the police department having blackberry's to use several years ago.

Mayor Crowley stated a number of years ago the then Chief of Police told the officers they couldn't use cell phone in their cars.

Ms. Rowett asked if there was only one phone in the police department how are they going to text each other.

Mayor Crowley replied by radio.

Ms. Rowett referred to when there was the super storm and tractor trailers were allowed to drive over wires that were down. On Saturday power lines in front of the armory was on fire. She was told it was due to lines being driven over. Ms. Rowett commented to stop drivers from driving over lines in the road.

Jim Marino, 4 Hilltop Lane, Franklin, stepped forward. Mr. Marino asked regarding the reassessment going to be done in Franklin, we are spending \$25,000 to have the entire town reassessed. Mr. Marino commented he imagines the values will be less then what they were because the housing prices have come down. Does that mean his taxes are going to come down.

Mayor Crowley explained the reassessment is to bring the values of the houses in line to the actual values. The only way taxes are going to go down is if you spend

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more [less] money as a Borough and don't forget as you should know as a former Councilman, only 30 percent of the tax bill is from the Borough the rest is from the school. Mayor Crowley also explained tax appeals.

Mr. Marino asked about the bond ordinance for repairs on the roads; what is the term.

Mr. Kilduff replied they are one year notes you can roll for 10 years.

Mr. Marino gave his concerns if the repairs would last 10 years.

Mr. Marino stated he sees Mr. Kilduff has commented Elizabethtown Gas regarding gas service to the Borough of Franklin. Have we had any response from them?

Mr. Kilduff stated not yet, he has talked to them on the phone but hasn't heard back from them.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd questioned the bond regarding the Firehouse upgrade. Mr. Kidd commented he is a certified energy manager and a senior project manager. Mr. Kidd commented on the cost and recommend the Council to reevaluate the bond. Mr. Kidd stated it was a waste of money.

Mayor Crowley suggest Mr. Kidd to call the Administrator.

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

Mayor Crowley asked what the Borough status was on the wells.

Mr. Kilduff commented last he heard he was waiting for the final paper work from the DEP.

Mayor Crowley asked what was the cost. Mayor Crowley commented there was some paper work in the mayor's office when we had a superfund cleanup several years ago, over on Maple Road and Wildcat. The Federal DEP was suppose to put in a well for the Borough. The paperwork indicates the Borough refused that. He would like to ask the Borough's lawyers if they could find out why the Borough had to pay for that well instead of the Federal DEP paying for it like they said they would; if that decision was made he would like to see if we can appeal that decision. Their original stipulation was they were going to dig a well for the Borough, it has been a number of years but he would like to find out why they didn't make the well, if they can reimburse us if possible.

Mr. McBriar stated they would look into this.

NEW BUSINESS

Approval of the Minutes

Mr. Giordano made a motion to approve the regular meeting minutes and executive session meeting minutes for September 10, 2013. (Absent: Crowley) Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 11-2013 Bond Ordinance

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Mr. Giordano made a motion to adopt Ordinance #11-2013 "BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$255,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$242,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION" Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #11-2013.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Babcock, Limon, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

Resolution 2013-88 Amending the Capital Budget

Mr. Giordano made a motion to adopt resolution 2013-88 to amend the Capital Budget to reflect ordinance 11-2013 Improvements of Various Roads, not previously provided for in the Capital Budget. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Limon, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

Adoption of Ordinance 12-2013 Bond Ordinance

Mr. Giordano made a motion to adopt Ordinance #12-2013 "BOND ORDINANCE PROVIDING FOR IMPROVEMENT OF THE FIRE HOUSE IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$20,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. Seconded by Mr. Snyder.

Mr. Zschack asked in light of conversion the gentleman from the public had, can this be tabled.

Mayor Crowley suggested the Council pass it [the ordinance], we don't have to borrow the money, have Mr. Kidd talk to the finance people. We don't have to borrow the money obviously.

Mr. Giordano stated he agreed with Mr. Zschack, he is in favor of the project it will pay for itself.

Mayor Crowley stated if we can figure out how to do this more effectively and cheaper we can do that, just because we pass this doesn't mean we need to borrow the money.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #12-2013.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd stated he would volunteer his services to help and provide information on the energy saving for that project.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

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Resolution 2013-87 Amending the Capital Budget

Mr. Giordano made a motion to adopt resolution 2013-87 amending the capital budget to reflect the addition of Ordinance #12-2013, Improvements to the Firehouse not previously provided for in the Capital Budget. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #13-2013 Replacing Portions of Section 161-32

Mr. Giordano made a motion to introduce an ordinance entitled "REPLACING PORTIONS OF SECTION 161-32 CONCERNING COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY." Seconded by Mr. Zschack.

Mayor Crowley stated after the ordinance is introduced it will be sent to the Planning Board. If you want to make comments to the Planning Board at their next meeting; they will be discussing this ordinance and a portion will be opened to the public. Mayor Crowley commented the ordinance will come back to the Mayor and Council and the public hearing will be held November 12, 2013. If you have comments to make to the Mayor and Council on this ordinance that is the time there will be a public hearing.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Zschack

Nays: Snyder Absent: None Abstentions: None

Public Hearing will be held November 12, 2013

Resolution 2013-81 to Amend the Capital Budget

Mr. Giordano made a motion to adopt Resolution 2013-81 to amend the 2013 Capital Budget to reflect the addition of Ordinance #10-2013, Improvements to Upgrade the Municipal Server and Purchase Police Equipment. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-82 to submit Grant Application for High Street

Mr. Giordano made a motion to adopt Resolution 2013-82 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the High Street Project. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

Resolution 2013-83 to submit Grant Application for Sidewalks

Mr. Zschack made a motion to adopt Resolution 2013-83 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the County Route 631 Sidewalks - Phase I project. Seconded by Mr. Limon.

Upon roll call vote:

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Ayes: Babcock, Gardell, Giordano, Limon, Snyder, Zschack
Nays: None Absent: None Abstentions: None

Resolution 2013-84 Renewal of Liquor License

Mr. Zschack made a motion to adopt Resolution 2013-84 to renew liquor license 1906-44-006-004 The Great Atlantic and Pacific Tea Co. Inc. for the 2013-2014 licensing term. Seconded by Mr. Limon.

Mr. Zschack questioned the timing of the renewal.

Mayor Crowley explained this license is owned by the A & P, it is actually in the process of being sold right now to another private individual. In the near future they will finalize the sale and at that point it will come back to the Council to be approved.

Mr. Zschack asked shouldn't this have been done July 1.

Ms. Hough, Clerk stated it required a special ruling.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Snyder, Zschack
Nays: None Absent: None Abstentions: None

Resolution 2013-85 Outstanding Check Balances from checks not returned or unclaimed

Mr. Zschack made a motion to adopt Resolution 2013-85 that check number 1559 from the Dog Trust Fund in the amount of \$3.00 be cancelled. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Snyder, Zschack
Nays: None Absent: None Abstentions: None

Resolution 2013-86 Cancellation of Taxes

Mr. Zschack made a motion to adopt Resolution 2013-86 authorizing the Tax Collector to cancel the 2013 taxes in the amount of \$2,414.01 for Block 803 Lot 1 due to the transfer of ownership between Edward and Bonnie Garrera and the County of Sussex on September 24, 2012. Seconded by Mr. Snyder.

There was a brief discussion regarding this resolution.

Mr. Giordano stated he has a problem with this; the County did this when they started the bridge project. The Borough will be giving the County's portion back, the schools portion back; the County should be giving us those portions back because it is their fault they didn't do this properly.

Mr. Kilduff stated it is not entirely their fault, what happened the transfer of title was made in September of 2012; the County is obligated for the taxes for the remaining of the year 2012. By mistake this deed was put in with a bunch of other deeds and our assessor didn't pick up on this, the County does owe us for 2012 4th quarter. The Borough will be getting that money. This is to correct an oversight in billing for 2013. There was a brief discussion regarding this resolution.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack
Nays: Limon Absent: None Abstentions: None

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Crossing Guard Status Change

Mr. Zschack made a motion to rehire Rose Briedenstein as a substitute crossing guard and to change the status of Kathy Martinez from substitute to regular crossing guard as recommended by Lynn Warr Prtorich, Head Crossing Guard. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-89 Appointing CPWM

Mr. Zschack made a motion to adopt resolution 2013-89 Appointing the Borough's Municipal Engineer Thomas Knutelsky of Harold Pellow & Associates as the Borough of Franklin Certified Public Works Manager. Seconded by Mr. Limon.

Mr. Zschack asked why is it an interim appointment.

Mayor Crowley explained we have made arrangements with him to take this appointment, he will take this appointment on the grounds it will not be permanent. If everything goes as planned we will have someone from the Borough qualified to fill this position.

There was a brief discussion on this resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mrs. Gardell questioned a chart that was distributed by the CFO regarding the financial position of the Borough.

Mayor Crowley explained the CFO monitors the finances very closely and she will put a freeze on the spending if needed.

Mr. Babcock reminded the public not to forget the Firemen's Parade on October 5.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7: 52 p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk