

**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
January 14, 2014**

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. Fanale, Mr. Giordano, Mr. Snyder, Mr. Zschack, Mr. Babcock and Mayor Crowley.

Absent: Mr. Limon

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."

PRESENTATION:

Former Councilwoman Susan Gardell was not present for the presentation.

Mayor Crowley announced the Consent agenda will be approved after

COMMITTEE REPORTS

Mr. Fanale had nothing to report.

Mr. Babcock commented on hiring a new police officer.

Mr. Zschack had nothing to report.

Mr. Snyder had nothing to report.

Mr. Giordano reported next Wednesday is a recreation meeting and there is a Planning Board meeting next Tuesday.

Mayor Crowley stated the Planning Board meeting is Tuesday because of the Holiday on Monday.

Mr. McBriar, Esq. had nothing to report.

Mr. Kilduff reported the following administrator report which is also on file in the clerk's office.

Borough Sites and Street Issues

On Sunday, January 12, at 8:07P.M. , the Fire Department responded to a structure fire at 4 Sterling Street. Chief Snyder advises the fire involved a detached garage with vehicles inside. All Franklin Fire Department engines answered the call. Ogdensburg and Hamburg Fire Departments, Walkkill Valley First Aid Squad, Hamburg First Aid and the Franklin police department also responded to the fire. The cause of the fire is undetermined at this time. The Borough is grateful to all those who fought the blaze.

One week before the start of winter the Borough received its first major snowstorm of the season on Saturday, December 14th. Another storm hit on December 17th. Borough Hall remained open throughout the winter storm. The DPW is to be commended for their excellence in snow removal operations. Winter weather is an unpredictable and significant expense to the Borough. The approximate cost in materials for salting the roads each time is \$2,000. A report on overtime and salt usage has been provided to the council.

CR 631 is back in business with the December 30th reopening of the viaduct bridge E-07 and E-06 on Church Street. The County removed 80' of sidewalk from the viaduct project with a verbal promise to add it back in later.

Financial Control/Legal Issues

The fourth quarter tax collection rate closed at 96.157%, slightly below the budgeted 96.32% collection rate. Through the efforts of our Tax Collector, Theresa Schlosser, the Borough's collection rate average for 2013 rose to 97.86%, well above the budgeted rate and the 95.43% actual collection rate in 2012.

A property owner has offered to sell a vacant lot to the Borough below market value. The ten acre property is located on Munsonhurst Road and is constrained by wetlands and a utility easement. Extensive research would be needed if the Borough is interested in pursuing the sale.

The Borough had requested Franklin Township, Hunterdon County return a FEMA payment rightly due Franklin Borough. The \$6,332.12 payment from FEMA was sent to Franklin Township by mistake in September of 2012.

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Following multiple inquiries by the CFO and Administrator, FEMA recently advised the money has been returned to their office and will be forwarded to Franklin Borough within a week.

Operational/Personnel Matters

Borough Residents received their new 2014 Municipal Calendars prior to the end of the year. The new calendar is the result of many hours of work by administrative staff members, in particular Robin Hough and Darlene Tremont who spent many hours collecting information, editing, revising and preparing the finished calendars for mailing. A full color version of the calendar is also available on the Borough's website.

Our CFO, Monich Miebach has passed the State examination for Qualified Purchasing Agent (QPA). Obtaining QPA certification requires significant course work and passing a rigorous exam. Monica's new status as a QPA provides a direct benefit to the Borough by raising the bid threshold standard from \$17,500 to \$36,000. Congratulations to Monica on this achievement.

The recent retirement of long time employee has reduced the full time DPW staff to 8 while another employee remains out of work for medical reasons. Two part time DPW appointments are on tonight's agenda.

The Wallkill Valley First Aid Squad has been working cooperatively with Sparta Ambulance Service to provide weekday coverage for the WVFAS. The coverage is for daytime hours (6AM to 6PM); the time when it has been most difficult to provide a rig. The Sparta squad has already been handling calls during these time periods without problems. An agreement formalizing the working arrangement is on tonight's agenda.

The State's minimum wage law increased the hourly rate to \$8.25 per hour, effective January 1st. Accordingly, a part time employee at minimum wage of \$7.55 per hour will receive a \$.70 cent an hour increase to the new \$8.25 rate.

A police officer, injured in the line of duty, is recovering from surgery. His return to work date is tentatively set for early February. An employee's claim petition has been filed in conjunction with the work related injury. Worker's Compensation is handling the matter.

At the plaintiff's request, a civil action, small claims complaint filed against a Borough employee has been dismissed in superior court.

In December the New Jersey Herald reported the arrest of Franklin resident Caesar Delapaz following investigation by Franklin Borough Police and the Sussex County Gangs, Guns & Narcotics Task Force. Due to the collaborative work of these agencies, Mr. Delapaz, a reputed gang member, is facing multiple charges including possession and sale of narcotics and firearms violations. He remains incarcerated at the County jail. Prior to his arrest Mr. Delapaz was a regular visitor to Borough Hall, frequently requesting information and/or services from Borough Hall employees. The staff is to be commended for the gracious service provided to all who enter Borough Hall.

Land Use Matters

The Zoning Board Re-organization meeting and first regular meeting, scheduled for January 2nd were postponed due to the winter storm. These meetings will be conducted tomorrow, January 15th, commencing at 7:15PM.

The Planning Board will reorganize on January 21st at 7:15P.M. The regular January meeting will follow immediately at 7:30P.M.

The Administrator has been advised the owners of the Shell Gas Station have filed an appeal of the Zoning Board's decision to grant site plan approval for an STS Tire and Auto Zone parts store on Rt. 23.

Long-term and Capital Projects

Passaic County Energy Cooperative has advised the Borough of new pricing for electricity generation supply service to the Borough for 2014. The new rate is \$.0878 per kWh. The previous rate was \$.0995 per kWh. The Borough enrolled in this cooperative pricing plan last year. Concord Energy advises the Borough's new rate projects savings of about 15%.

The recently approved energy aggregate residential program has not yet begun. It is anticipated the residential program will go to bid around the end of March with implementation to begin in the late Spring of this year. With current market rates of about \$.09 cents per kWh vs. JCP&L's pricing of approximately \$11.8 cents per kWh, the Coop is anticipating significant savings in electricity costs for Franklin residents.

Miscellaneous

The YMCA is inviting police officers, first responders and military veterans to their "National Day of Service Luncheon" to be held on Monday, January 20th from 1PM to 3 PM. Interested parties should contact the YMCA on Wits End Road in Hardyston for more information and pre-registration.

Mayor Crowley commented the fire on Sterling Street was very hot, he saw pictures, it was really going strong and one of our Councilman was one of the first going in.

Mayor Crowley commented he has had some feedback on the committee assignments, he may be redoing the assignments for the Council so if anyone has any questions or recommendations let him know. He will get back to the Council regarding that.

OPEN PUBLIC SESSION

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Babcock. All were in favor.

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Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented 43 years ago his family moved to their new home; the first snow storm a Borough employee waived to him; for 43 years he would waive. This year after three snow falls no one waived. Where did Allen Space go?

Mayor Crowley commented he retired.

Mr. Durina asked if the Borough recognized him for 43 years of service.

Mayor Crowley commented not specifically; he retired as of January 1, 2014.

Mr. Durina commented he has no concerns regarding the Administrator's report other than I know he [Mr. Kilduff] knows what he is talking about but the way it is worded, the attempt to merge the Durina vs. Elekes case for Eden Properties to deal with the Zoning Board decision. Mr. Durina commented we do not have any legal action against the Borough and he doesn't expect to have any, he hopes. Mr. Durina read a quote from his attorney, "He is requesting that the matter be consolidated for the purpose of case management and trial. The purpose of that was we must clearly resolve the title issue; as a prerequisite to determine whether the commercial development can be approved on the Elekes track." Mr. Durina commented it didn't make any sense to hear the Borough's law suit without hearing his law suit first. That is all that met.

Mr. Durina commented his legal actions to protect their deed restrictions will be over this Friday. We hope to win but at this point we are hoping to move forward after Friday one way or another; no regrets. Mr. Durina commented one regret on a November 27, 2012, he called the Mayor and asked when the zoning changed on Block 52 Lots 32 and 33 the Wal green site, when did it change from R3 to HC zone. Mr. Durina commented Mayor Crowley wasn't sure it was before he was Mayor. Mr. Durina commented he spent hours reading minutes. Mr. Durina read minutes of August 17, 2009. These minutes were from the time when the property was changed and read a quote from the Mayor in the minutes.

Mr. Snyder stated recognition of Allen Space was an oversight. We discussed that before the meeting started and we are going to acknowledge his help and dedication to the Borough for [43 years].

There being no one else present who wished to address the Governing Body, Mr. Babcock made a motion to close the meeting to the public, seconded by Mr. Snyder. All were in favor.

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. Memo dated December 3, 2013 from Rachel Heath, Board of Health Secretary, to Mayor Paul B. Crowley, Re: Board of Health Reappointments.
2. Letter dated December 18, 2013 from James C. Kilduff, Administrator to Mayor Bruce Pollpwoz & Franklin Township Committee Re: Franklin Borough FEMA payment PA-02-NJ-4021-PW-04643(0).
3. Letter dated December 18, 2013 from James R. Kern III, Mayor, Township of Pohatcong, to Mayor and Council Members Re: Resolution of the Township of Pohatcong, Warren County, Urging the Legislature to Implement a Water Usage Tax.

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4. Memorandum dated December 30, 2013 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Mayors Re: Resolution Re: Supporting an Economic Study of Sussex County and the Surrounding Region.
5. Letter dated December 13, 2013 from James C. Kilduff, Administrator, to Mr. and Mrs. Caserta, Re: Property donation to Franklin Borough.
6. Memo dated January 6, 2014 from Robin Hough, Municipal Clerk/CMR to Board of Health Re: Board of Health summary for 2013.
7. Letter dated December 26, 2013 from Sussex County Municipal Utilities Authority to Mayor Paul Crowley Re: Actual Annual Charge FY2013, Quarterly Estimated Charge - FY2014, SCMUA Sewage Treatment Services.
8. Letter dated January 9, 2014 from James Kilduff, Administrator to Ethel Alexander Re: Thank you for her years of dedicated serve to Franklin Borough Zoning Board of Adjustment.
9. Letter dated January 9, 2014 from James Kilduff, Administrator to Kevin Lermond Re: Thank you for his years of dedicated serve to Franklin Borough Planning Board.
10. Letter dated December 16, 2013 from New Jersey Department of Labor and Workforce Development Thomas Lipski, Assistant Chief, Office of Public Employees Occupational Safety and Health Re: Code & File: G73-06-028 Inspection Site: Franklin Borough Department of Public Works.
11. Letter dated January 10, 2014 from David Brady, Esq. to Franklin Borough Planning Board Re: Franklin Borough Planning Board Drive-Thru Ordinance.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for November, 2013.
2. Health Department Report for November, 2013.
3. Construction Permit Activity Report for November, 2013.
4. Police report for November, 2013.
5. Police Mileage Report for December, 2013.
6. Construction Report for December, 2013.
7. COH Report for December, 2013.
8. Snow Removal Report of January 7, 2014

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 14 , 2014.

Mr. Zschack made a motion to approve the consent agenda of January 14, 2014. Seconded by Mr. Snyder.

Mr. Fanale asked item #4 under correspondence be removed from the consent agenda.

Mr. Zschack amended his motion to remove item number four. Mr. Snyder amended his second.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

OLD BUSINESS

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There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the regular meeting minutes for December 10, 2013 (Absent: None) and for the reorganization meeting minutes for January 1, 2014. (Absent: None).

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Approval of New Jersey State Firemen's Association membership Application

Mr. Zschack made a motion to approve the application for membership of Mark A. Garrera, 92 Wildcat Road, Franklin, to the Franklin Fire Department as recommended by Jeffrey Snyder Franklin Fire Department Chief. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack

Nays: None Absent: Limon Abstentions: Snyder, Babcock

Resolution 2014-13 revising resolution 2013-96

Mr. Zschack made a motion to adopt resolution 2014-13 revising resolution 2013-96 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Extension January 1, 2014 to June 30, 2014. Seconded by Mr. Babcock.

Mr. Kilduff explained the resolution.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Introduction Ordinance #1-2014 Amending Chapter 161

Mr. Zschack made a motion to introduce an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE THE BOROUGH'S LAND DEVELOPMENT ORDINANCE." Seconded by Mr. Fanale.

Public hearing will be held February 11, 2014.

Upon roll call vote:

Ayes: Fanale, Snyder, Babcock

Nays: Giordano, Zschack Absent: Limon Abstentions: None

Part Time DPW Worker Robert Stecher

Mr. Zschack made a motion to approve Robert Stecher to work 8 hours a week at 9.50 per hour through June 1, 2014, then up to 25 hours per week. Mr. Stecher to receive a \$.50 hour increase upon satisfaction performance review. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Hiring Part Time DPW Worker

Mr. Zschack made a motion to approve hiring Jesse Burde as a part time DPW employee at \$13.50 an hour, up to 29 hours per week. Mr. Burde is to receive a \$.50

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hour increase upon satisfactory performance review after 6 months. Seconded by Mr. Snyder.

Mayor Crowley explained the difference between the two part time positions.

Mr. Babcock asked why there wasn't a full time hire.

Mayor Crowley commented at the personnel committee meeting that was discussed. Mr. Limon is not here. Mayor Crowley commented we all feel we need to go forward with either another part time person or a full time person.

Mr. Babcock commented those guys are beat up, you can tell by the roads they do the best they can with what they have.

Mr. Giordano commented they(DPW workers) were out a long time.

Mr. Snyder asked why we couldn't put two part timers working on the road. Mr. Snyder asked how long this will take, we have been through snow storms.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Ambulance Service Agreement

Mr. McBriar, Esq. commented if the Council is going to consider this tonight there is a minor correction on the second page paragraph b. It requires further clarification; we will work with the parties to clarify that procedure. This is a wording and procedural issue on just that particular portion.

Mr. Kilduff asked if he had language from Sparta.

Mr. McBriar commented we just had that discussion a moment ago. He doesn't have the proposed language; but he recommends subject to finalization from the attorney's office with that clarifying language.

Mr. Zschack made a motion to approve the Ambulance Service Agreement between the Borough of Franklin and Sparta Ambulance Squad from January 1, 2014 to December 31, 2014 with the wording change on paragraph 1b. Seconded by Mr. Snyder.

Mayor Crowley commented this will allow Sparta ambulance service to be the primary during the day Monday through Friday; with our own WallKill being primary at night and on weekends and Holidays.

Mr. Giordano stated he sees where they are not going to bill the Borough of Franklin; but how are they going to bill the residents.

Mr. Kilduff commented there is a section added that they will provide that. In paragraph 3 it states they will provide a fee schedule each year to the Borough.

Mr. Giordano commented shouldn't the Council have the fee schedule before we vote to accept the contract because the fee schedule isn't in the contract. Mr. Giordano gave reasons why.

Mr. Zschack asked if there would be a problem waiting until the next Council meeting.

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There was a discussion regarding the contract, what paragraphs were added by Mr. Ursin, costs and fee schedule, getting a copy of the fee schedule and any cost to residents who call for ambulance service.

Mr. Zschack asked again if there was any reason we can't delay this until the next Council meeting.

Mr. Kilduff commented he thinks this can be tabled; we have an informal arrangement now he doesn't see any problem with continuing that for a couple of weeks.

Terry Gallagher, captain of Wallkill Valley First Aid Squad, stepped forward. Mr. Gallagher stated they are already posting a truck in town; at the Littell Center, if you guys want to just change the wording around that is fine so we are all on the same page and there won't be any problems down the road. Mr. Gallagher commented there will be a \$750.00 charge to the insurance company for the patient that was taken to the hospital and \$15.00 per mile.

Margaret Carda, First Lieutenant from Sparta, stepped forward. Ms. Carda explained AOS. Ms. Carda commented they have their own billing services, their bills would be separate from ours and she can't speak for their billing agreement except to say Medicare can't receive two bills for the same transport so we have our own agreement with the Hospital in case there is a Medicare patient that required AOS but that is between us and the Hospital that wouldn't affect the patient.

Mr. Fanale questioned unit transportation.

Mr. Gallagher commented transportation is done by what is considered a BLS unit they don't transfer; even if they are the first ones on the scene they will stand by until we arrive; our unit will do the transport, they will accompany the patient because they have started treatment on that patient.

There was a discussion on transportation, billing to the patient and how the ambulances will get paged out.

Mr. Zschack made a motion to table the Ambulance Service agreement. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Discussion on Water and Sewer connection fees

At this time there was a discussion regarding a payment plan for Miner's Cove Water and Sewer connection fees referencing letter dated January 4, 2014 from Saquib Toor, Managing Agent, Model Town LLC.

Mr. Zschack asked they are not asking for a reduction just a payment plan.

Mayor Crowley stated yes.

Mr. Zschack asked if there is harm to the Borough to do this.

Mayor Crowley commented the financial officer shows there is; it is hard to collect from a developer that does not pay. This doesn't have anything to do with this developer.

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There was a discussion regarding a payment plan.

Mayor Crowley commented no one wants to take action.

Appoint to Zoning Board of Adjustment

Mr. Zshack made a motion to appoint Floy Estes to the Zoning Board of Adjustment as Alternate # 2. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Discussion of DPW Building Closure

At this time there was a discussion regarding the closure of the DPW building referencing memo dated January 8, 2014 from Jim Kilduff, Administrator.

Mayor Crowley explained going back several years the water and road department was [merged together]. There was discussion to move into one building and close the water department. The acting supervisor position is now permanent; now it is permanent and this has come up again. Mayor Crowley referenced a memo previously from Brian Vandebroek. It is up to the Council if they want to do this now or change this.

Mr. Babcock commented to stay as is, and suggested having the same uniforms and have one separate clock where they all punch in. Other than that keep both buildings open.

Mr. Giordano stated when the Council had originally talked about this we had motioned to close the building if it was practical. There is merit in closing the building and there is merit in keeping the building open. Mr. Kilduff wrote in his memo suggesting using the facility for other uses. Mr. Giordano commented right now what we have works, he would like to see the guys wear the same uniform. There is an expense to moving the building over there; wiring, infrastructure upgrades and work on the computers. We need to remember this is the busiest time of the year for the road department and they are busy all the time working on machinery and keeping their stuff going. Mr. Giordano commented he wouldn't be opposed to revisiting this in the summer.

Mr. Zschack stated he still thinks we need to look into this; if there is a possibility of saving of energy, heat or selling the property. Mr. Zschack suggested a six month period from now to have a better idea as to what it would cost to move the department over there and what is the value of the current water building now. Maybe it won't cost much money to move everything over there and we could sell that property. Mr. Zschack agreed this is not the time to do that maybe in a six month period have some type of report back to us.

Mayor Crowley commented his philosophy has always been to have less government, less buildings and less people working directly for the Borough. This is up to the Council. Mayor Crowley suggested if you do not move forward now than make a specific time to revisit it.

Mr. Snyder commented he wasn't for closure of the building which most of the Council members don't know. He understands what Mr. Zschack was saying.

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Mr. Zschack made a motion that in a six month period we get a report back on the cost of closing down the building, moving over to the DPW building and what the possible real estate value of that property would be. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Contract with Space Wild Animal Farm Inc.

Mr. Zschack made a motion to approve the contract between Space Wild Animal Farm Inc. and the Borough of Franklin for removal of deer carcasses from municipal road right a ways at a fee of \$31.00 per carcasses payable monthly. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

Mayor Crowley referred to item # 4 removed from the consent agenda.

Mr. Fanale explained why this should not be approved.

Mr. Zschack explained to Mr. Fanale we are not agreeing with this we are just accepting this for filing as correspondence. This is the Freeholders resolution.

Mr. Zschack made a motion to accept item number 4 from the consent agenda. Seconded by Mr. Fanale.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack, Babcock

Nays: None Absent: Limon Abstentions: None

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 8:05 p.m., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk