

**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  
February 11, 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. Babcock, Mr. Fanale, 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."

**COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Giordano reported the Planning Board met last Monday, February 3 for reorganization and for a meeting; they [Planning Board] recommended no change to the ordinance that is on the agenda. Mr. Giordano commented the [Planning Board] 18th meeting is cancelled. Recreation will be meeting next Wednesday which will coincide with the Council workshop.

Mr. Snyder reported the finance committee met on Saturday morning to review the budget. There will be a Workshop meeting on February 19. The public is welcomed to the workshop. If there is any questions regarding the budget before the workshop call Mr. Snyder, the administrator or CFO.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. Fanale had nothing to report.

Mr. Ursin, Esq. requested two items for brief closed session. Both attorney client privilege matters and an OPRA issue and a short discussion regarding Miner's cove.

Mr. Kilduff reported some of the following items from his administrator report which is also on file in the Clerk's office.

Borough Sites and Street Issues

We are anxiously awaiting Spring. The Borough received its fourth delivery of salt yesterday with more on the way. The delivery was welcome as there has been a significant shortage of available road salt. In order to address severe winter weather issues, the proposed \$90,000 budget line for salt and \$35,000 for DPW overtime will have to be increased.

After considerable effort, the Borough is in position to address the blighted property on Rt. 23, commonly known as the "Franklin Ski Shop". The Zoning Officer has secured a release from the principal member of the LLC which owns the property. The Borough is now in position to move forward with demolition of the buildings on the site. In order to accomplish this a title search must be conducted followed by proposals for demolition. The Council will need to appropriate funds for this purpose and should indicate their commitment to the project.

Mr. Kilduff commented many residents have complained about the site, all are familiar with the site and the need to do something about it. Now is the time, we are at that moment, but there will be money that has to be spent. We can put a lien on the property; there are already significant liens, in order to move forward and get the property cleaned up. Mr. Kilduff commends the Zoning Officer; a great deal of effort went into securing the release. Mr. Kilduff asked the Council if they are ready to move forward with the demolition of the ski shop.

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There was a discussion regarding costs and formal requests for proposals. Mr. Ursin stated his main legal reservations is the uncertainty of the process going forward, it is a complicated title situation with that building. We think we have the signature releasing us from the main person; that gives the Borough the right to do some due diligence. Mr. Ursin commented when demolition contractors are looked at based upon the release that we have, we have good access to the building. A lot of due diligence should be done in looking around the building and making sure that this is the remedy that you want to use. As the process moves along he will explain a little more of the process. Mr. Ursin commented you can also put a lien against the property Municipal liens go to the front of the Pac so to speak. This property has a very complicated position right now as far as leans and foreclosures. It is really uncertain as to when the Borough would be paid back.

The discussion continued regarding the Ski Shop property.

Mr. Kilduff than continued with his administrator report.

The County is reviewing speed limits and signage in the vicinity of the viaduct bridge (E-07). The County's bridge project consulting engineer met with the Administrator and Police Chief to discuss speed limits and sign placement on CR631 and the bridge.

Financial Control/Legal Issues

The town wide reassessment has now been completed. The preliminary assessed valuation for all properties within the Borough is approximately \$394,460,000. This represents an estimated decrease of \$65,131,900 from last year's valuation. Based on these numbers, the preliminary value of a single tax point is about \$39,446.

As a result of the reassessment, the preliminary average assessed value of a residential property in Franklin has been reduced to \$174,105, a reduction of \$40,549 from last year's average assessed value of \$214,651 for residential properties.

Statewide Insurance has announced its 2014 assessments for the Borough. The new premium is \$273,565, up from \$265,832 last year (2.9%). The fund's budget includes the cost for reinsurance, administrative costs and the projected losses. The budget has to be approved by Trenton. There were no increases in the administrative budget and a modest increase in the insurance budget. The Workers Compensation portion of the budget is \$126,000. The Administrator is working with the Borough's Risk Management Consultant to find ways to reduce the Borough's insurance costs.

The Finance Committee conducted a lengthy meeting on Saturday, February 8<sup>th</sup> with the Chief Financial Officer and Administrator to review preliminary budget numbers. A budget workshop, open to the public, will be held on February 19<sup>th</sup> at 7:00P.M. The committee reviewed individual lines and noted savings in certain areas. Department Heads have been made cognizant of the need to avoid increases; the result is relatively little projected change in Operating & Expense (O & E) budgets.

Several areas of savings were identified which will help to offset rising costs. The improved tax collection rate for 2013 (97.22%) compared to (95.43%) for 2012 will reduce the reserve for uncollected taxes. Electricity costs were reduced by participation in the cooperative purchasing program and the installation of new, high efficiency pumping systems for water and sewer stations. Replacement employees have resulted in cost savings due to lower salaries and/or elimination of longevity. New copier leases were also negotiated.

Operational/Personnel Matters

Tomorrow is Lincoln's Birthday. The Borough will be open for business. Borough employees will be taking the holiday on Friday, December 26<sup>th</sup>.

A DPW employee who has been out of work for medical reasons is scheduled for return to full duty on February 18<sup>th</sup>.

Land Use Matters

The Planning Board conducted their 2014 reorganization and first regular meeting on February 3<sup>rd</sup>. The meetings had been postponed from January due to a winter storm. John Cholminski was re-elected as Chairman and Nathan Foulds was named Vice Chairman. New appointees to the Board are Councilman Nick Giordano, Jim Williams and John Friend.

On February 3<sup>rd</sup>, the Planning Board reviewed Ordinance #1-2014 concerning drive thru uses. The Board approved referral of the ordinance back to the Council with no changes. The ordinance amends the conditions for all drive thru uses. It is on tonight's agenda for public hearing.

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The February 5<sup>th</sup> Zoning Board meeting was cancelled due to severe winter weather. The next meeting of the Zoning Board is scheduled for March 5<sup>th</sup>.

Long-term and Capital Projects

A Public Outreach Meeting meeting for the residential energy aggregate program has been scheduled for Thursday, March 11<sup>th</sup> [should be March 6th] from 7:00P.M. To 8:30P.M. The meeting will be here at Borough Hall. Interested residents will have the opportunity to learn more about the Passaic County Energy Cooperative program and how participation will enable residents to save money on their electric bill.

Executive Session

An executive session is requested to discuss litigation in the matter of DPW and PERC.

Miscellaneous

The Borough received a Special Recognition Award for its participation in the Statewide Insurance Fund. The Award was presented at the fund's annual reorganization meeting. Statewide Insurance Fund is celebrating its 20<sup>th</sup> anniversary.

Mayor Crowley commented obviously we been having a bad winter with snow storms and more is on the way; the Borough has been going through the salt. The Borough appreciates what DPW is doing with the snow removal, they have been out all night several nights to keep the streets clean.

Mayor Crowley commented he would like to set up a adhoc committee to meet with the DPW about their contract. That would be Joe Limon, Dave Fanale and Nick Giordano.

Mayor Crowley recommends anyone interested in the Boroughs budget to attend the workshop this week.

Mayor Crowley recognized Scott Baker, for an award he received. Mr. Baker is a reporter for the Advertiser.

**OPEN PUBLIC SESSION**

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

Mr. Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina asked for the Borough to do some house cleaning on the Borough Website. There are lots of outdated information. Mr. Durina mentioned items on the website that were outdated. Mr. Durina asked about the cost of the Borough's website, taxpayer dollars spent the last two years trying to take away the rights of DPW employees, why was Kevin Lermond not appointed to the Planning Board and why the administrator asked him why he comes to the meetings loaded for bear. Mr. Durina commented he comes to challenge honest and open government.

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. Limon. 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. Letter dated January 23, 2014 from Kirstin Pointin-Hahn, Bureau Chief, NJ Department of Environmental Protection to James C. Kilduff, Administrator, Re: No further action Letter.

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2. Letter dated February 6, 2014 from Mayor Paul B. Crowley to 24th Legislative District Re: Franklin Borough Municipal Building, I.D, No. 003685 NJDEP "No Further Action" (NFA) letter.
3. Letter dated January 23, 2014 from Kathy Froestscher, Clerk's office, Washington Township to Governor Christie Re: Resolution Support of a Water Tax to fund the Loss of Land Equity for Property Owners in the Highlands Region.
4. Letter dated January 27, 2014 from John Nugent, Superintendent Wastewater Facilities Sussex County Municipal Utilities Authority to James Kilduff, Administrator, Re: Total of all liquid flows discharged to upper Wallkill Plant from Franklin Borough.
5. Letter dated January 28, 2014 from Mayor Paul Crowley to Allen Space, Re: Thank you for your service.
6. Letter dated January 30, 2014 from James C. Kilduff, Administrator to Michael VanHooker Re: Conditional Employment offer.
7. Memorandum dated January 30, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Clerks Re: Capital Ordinance appropriating \$22,120.00 from General capital surplus for required matching funds related to the acquisition of two (2) vehicles by NJ Transit for the Sussex County Office of Transit/Skylands Ride under the Federal Transit Administration (FTA) Section 5317 New Freedom Grant.
8. Memo dated January 30, 2014 from James Kilduff, Administrator to All Employees Re: Personnel Matters.
9. Letter dated February 5, 2014 from James C. Kilduff, Administrator to Sean Thompson, Acting Executive Director, Council on Affordable Housing Re: Franklin Borough, 2013 Trust Fund Monitoring Report.
10. Memo dated February 3, 2014 from James C. Kilduff, Administrator to Mayor & Council Re: Mayor & Council Salary.
11. Letter dated February 7, 2014 from James C. Kilduff to Stephen Heller.
12. Email dated February 4, 2014 from David Brady, Esq. to John Ursin, Esq. Re: FBPB - Ordinance #1-2014.

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

1. Snow Removal Report #2 January 7 - January 28, 2014.
2. COH report for January, 2014.
3. Construction report for January, 2014.
4. Tax Department report for January, 2014.
5. Zoning Officer report for January, 2014.
6. Fire Marshal report for January, 2014.
7. Police Mileage report for January, 2014.

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

1. Application for Vending Machine license renewal for Weis Markets 147.

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

1. Payment of bills for the meeting of February 11, 2014.

Mr. Limon made a motion to approve the consent agenda of, 2014. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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**OLD BUSINESS**

Mr. Babcock brought up the Council needs to look into the RV ordinance again, we are almost into March.

Mayor Crowley commented we will set something up.

Mr. Giordano commented he had some figures that he wanted to go over. There was some information he was talking about at the last meeting that wasn't really 100 percent correct in regards to some contracts that were given in the past month or so. Mr. Giordano commented the contract that was given to Brian Vandebroek for DPW position resulted in a savings to the town of \$123, 286. Mr. Giordano explained the savings to the Council quoting numbers as to the savings.

Mr. Giordano commented it was a hard decision for all of us to make that decision to put Mr. Vandebroek in that position with the salary; he knows some people still don't agree with it. It was a good move by the Borough to have Mr. Vandebroek in that position. Mr. Giordano commented he wanted to clear the air on that so that the figures were out in public because people thought we were giving out contracts with large payrolls. Mr. Giordano stated you can't necessarily put a value on experience.

Mayor Crowley stated he feels the saving was made by combining the two positions not by his contract.

Mr. Giordano commented the contract was representing a saving by combining both positions.

**NEW BUSINESS**

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes and executive session meeting minutes for January 28, 2014. (Absent: Zschack) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Snyder, Babcock, Fanale, Giordano

Nays: None Absent: None Abstentions: None

Road Closure Request

Mr. Snyder made a motion to approve the request dated January 23, 2014 from Damian Ryan, Irish Cottage Inn for permission to erect a tent and close off a small section of Hardystonville Road in front of the Irish Cottage from Saturday March 15 through Monday March 17 for St. Patrick's Day subject to providing certificate of Insurance. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #1-2014 Land Development Ordinance

Mr. Snyder made a motion to adopt Ordinance #1-2014 "AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE THE BOROUGH'S LAND DEVELOPMENT ORDINANCE" Seconded by Mr. Fanale.

Mayor Crowley commented this was sent to the Planning Board and returned approved by the Planning Board.

Mr. Giordano stated this ordinance is basically to clean up some of the drive thru ordinance; mainly to establish the noise and circulation.

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Mr. Kilduff commented it changes the conditions.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #1-2014.**

No one from the public stepped forward.

Upon roll call vote:

Ayes: Limon, Snyder, Babcock, Fanale, Giordano

Nays: Zschack Absent: None Abstentions: None

Addendum

Mr. Snyder made a motion to reappoint Sayla Weekley to the Rent Leveling Board for a 5 year term expiring 12/31/2018. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**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. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 7:50 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Mr. Fanale commented he wasn't sure when would be the appropriate time to bring up the Mayor and Council salaries. Mr. Fanale commented with regards to any increase it should be justified on the premise that the Governing Body has given something back to the residents. Mr. Fanale explained he started to do research on ordinances as chair of the ordinance committee. Mr. Fanale gave some examples of changes he would like to see in the ordinances and explained why. Some of the examples he gave of ordinances to eliminate were garage sale permits, use of pond area, boating and fishing. Mr. Fanale commented Franklin Residents should not be charged for use of this area; they already pay taxes, outsiders should be charged to use the pond area. Mr. Fanale commented on the possibility of using sail boats. Having sail boats race around the pond.

Mr. Giordano explained how the charge for the garage sales [permits] came about years ago. Mr. Giordano suggested to Mr. Fanale to bring his ideas to recreation. They would applaud you, last year we [recreation] did ask for the fees to be dropped for fishing and boating. the problems with sail boats you have a walkway that goes over the narrows. Mr. Giordano thinks it is a great idea and would like to see that happen.

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There was a brief discussion regarding the pond area and who is responsible for the pond area.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7:59p.m., seconded by Mr. Limon. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk