

**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 25, 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 requested an executive session for DPW contract negotiations.

Mr. Giordano reported there will be a recreation meeting tomorrow [February 26] at 7:00 pm in Borough Hall.

Mr. Snyder reported we are going over the budget tonight; our CFO is here to help.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. Fanale reported the ordinance committee has begun discussing abolishing fees for garage sales and the pond use fees for Franklin Residents. We are working on getting that complete within the next couple of weeks and the RV ordinance.

Mr. McBriar, Esq. had nothing legal to report.

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

Borough Sites and Street Issues

There was a fire this morning at the Pet Center on Rt. 23. The Franklin Fire Department responded along with fire companies and first aid squads from Hamburg, Hardyston, Ogdensburg and Sparta. A Franklin Police Officer has filed a Worker's Compensation Claim for smoke inhalation. No other injuries have been reported at this time. The cause of the fire is under investigation, an electrical problem is suspected. We thank all who answered the call.

Snow events have continued to stress the Borough's resources and test DPW personnel and equipment. Since the last Council meeting on February 11th, a Nor'easter forced a building closure on February 13th and a delayed opening on February 14th. Recent warm weather, while helpful in reducing snow buildup, has already given way to a new round of cold weather. Both the snow and cost of removing snow continued to pile up in February. Luckily, we have stayed in front of the salt shortage. The DPW Manager placed an order for 350 tons on February 4th; two partial deliveries on February 10th (50 tons) and February 21st, (56.4 tons) have helped the Borough keep salt in the shed (now approximately 80 tons). As of yesterday, the Borough has expended \$22,953.50 in DPW overtime charges for snow removal.

The County is continuing their review of speed limits on CR631. A 2004 Borough ordinance sets the speed limits at 35mph between Rt.23 and Oak Street, 30mph between Oak and Newton Streets and 35mph between Newton Street and the municipal boundary. The Immaculate School zone speed is 20mph when children are present.

Financial Control/Legal Issues

Budget review and discussion has been the focus of Borough staff and the Council for several months. Following numerous preliminary budget review meetings with the CFO, department heads and staff, the Council's schedule remains as follows:

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February 8th (Saturday) Budget Committee detail review of budget
February 11th Mayor & Council Meeting - Budget discussion
February 19th Mayor & Council Public Budget Workshop
February 25th Mayor & Council Meeting - Budget Discussion

March 11th Introduction of the 2014 Budget at Mayor & Council Meeting
March 14th Introduced Budget due in Trenton, Treasury begins Borough review

This year some very good budget news for resident taxpayers was disclosed at the Mayor and Council's February 19th workshop meeting on the 2014 operating budget. The meeting was opened to the public. *The proposed budget is expected to reduce municipal taxes on the average home.* The numbers have changed slightly since that meeting; an average residence in Franklin, now assessed at \$174,100 is expected to see a reduction of about \$32 in the municipal portion of the property taxes for 2014. Only one third of each resident's total tax bill is attributable to the Borough's budget. Schools and County taxes make up the remaining two thirds. The full impact of these budgets is not yet known.

Operational/Personnel Matters

A DPW employee who was out for an extended period for medical reasons has returned to work.

A police officer, out of work due to injuries sustained in the line of duty, remains under the care of the Worker's Compensation Physician and will be re-evaluated in two weeks.

The Mayor's DPW negotiating committee has held their first two meetings for internal discussion regarding the Council's commitment to negotiate with DPW employees.

Petitions for the two open Council seats and Republican County Committee members must be submitted by 4P.M. on March 31st. The primary election for these offices will be on June 3rd, 2014. The Council seats are for a three year term. This year Councilmen Limon & Zschack are up for re-election.

Land Use Matters

CM Franklin has filed an amended preliminary and final site plan application for the Auto Zone and STS project on Rt. 23. The revised plan has been submitted in response to litigation from the adjacent Shell Station property owners.

Long-term and Capital Projects

The March 6th public information session for the residential energy aggregate program has been postponed. Another meeting date will be advised at a later time.

Our engineer advises plans and specifications for the firehouse gas conversion project will go out in March. Requests for proposals will be accepted at prevailing wage.

Miscellaneous

JCP&L will be conducting routine aerial inspections commencing on or about March 3rd and continuing for about two weeks. Residents can expect to see a slow flying helicopter during this period.

Mayor Crowley reported the Governor gave his address today; the State still has tremendous financial problems; we don't know how that will affect the Borough.

Mayor Crowley congratulated the Fire Department on a great job at the fire this morning. The Firemen did a great job saving all the pets in the store. Unfortunately one of the Borough's police officers was hurt with smoke during the fire.

Mayor Crowley commented the Fire Department is having a venison dinner this Saturday; there are tickets available.

Mayor Crowley commented he had been contacted by the Historical Society regarding their lease on the Hungarian Church. Mayor Crowley handed out to the Council a copy of a letter the Council received last April regarding their lease; this will probably be on the next agenda for discussion regarding the lease.

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Mayor Crowley informed the Council he was contacted by Montclair Art Museum; they are doing a special show on Robert Smithson who is a distinguished artist, born in Rutherford and lives in Clifton. He is a national artist; several of the art that he is presenting are from Franklin. Mayor Crowley commented he has information to pass on to the Historical society or anyone else that is interested.

Mayor Crowley commented the Burger King on Rte 23 is being redone. It is a new company that is a franchise from Burger King. Mayor Crowley reported he thinks they are going to introduce another line along side of Burger King possibly ice cream or frozen custard. Mayor Crowley was not sure of the specifics yet; they are in construction now and hopefully will be open soon.

Mayor Crowley reported there was interest from someone to buy a liquor license in town, he isn't sure what their plans are but the idea they are looking for a liquor license would indicate they are planning on something in Franklin. These are good potential developments for the town.

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. Babcock. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina asked if the Council members read in the Star Ledge the article regarding third party electric.

Mayor Crowley commented he read the article.

Mr. Durina asked where are the negotiations with our third party provider.

Mayor Crowley commented they are going to have a public meeting to explain everything; the Council hasn't taken any specific action. There will be an open public meeting.

Mr. Durina commented he is a retired employee from Jersey Central Power and Light Company, he retired in 1994; he has no interest other than receiving his retirement check from Jersey Central. Mr. Durina stated he is not here representing Jersey Central Power and Light Company. Mr. During spoke about the article, the news that was on channel 12 and asked questions regarding third party electric.

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.

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 February 17, 2014 from Glen Sherman, Executive Vice President, Appraisal Systems Inc. to Scott J. Holzauer, Tax Assessor Re: Franklin Reassessment.
2. Letter dated February 11, 2014 from Diane M. Pflugfelder, RMC/MMC to Mayors and Committeepersons, Re: Township of Liberty Resolution 2014.018 Urging the Legislature to Implement a water usage tax.
3. Letter dated February 18, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders, to Governor Christie Re: Resolution urging Governor Christie and the New Jersey State Legislature to Enact Legislation that will

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permanently extend the 2% cap on interest arbitration awards before April 1, 2014.

4. Memorandum dated February 18, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Clerks Re: Resolution Extending the present moratorium on Township Roads being taken into the County Road System to April, 2016.
5. Memorandum February 18, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Clerks Re: Capital ordinance appropriating \$22,120 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.
6. Memorandum dated February 18, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Clerks Re: Bond Ordinance providing for various 2014 Capital Improvements by and in the County of Sussex, State of New Jersey appropriating \$5,286,750.00 Therefore and Authorizing \$5,035,000.00 Bonds of Notes of the County to Finance part of the costs thereof.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court report for January, 2014.
2. Police Department report for January, 2014.
3. Construction permit activity report for January, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 25, 2014.

Mayor Crowley stated he would like to remove items number 2 and 3 [under correspondence] off the consent agenda to talk about later.

Mr. Limon made a motion to approve the consent agenda dated February 25, 2014 minus item number 2 and 3 from correspondence. Seconded by Mr. Babcock

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Babcock asked where we [the Council] stands with the Hungarian Church.

Mayor Crowley explained it is regarding their lease.

Mr. Zschack asked if this will be an agenda item at the next meeting.

Mayor Crowley commented the next meeting or the one after it.

NEW BUSINESS

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes and executive session meeting minutes for February 11, 2014. (Absent: None) Seconded by Mr. Zschack.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Snyder made a motion to approve the Workshop meeting minutes for February 19, 2014. (Absent: Snyder, Zschack) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon

Nays: None Absent: None Abstentions: Snyder, Zschack

Discussion on 2014 Budget

At this time there was be a discussion regarding the 2014 Budget.

Mr. Kilduff commented with the new reassessments the average homeowner is fixed at \$174,100 which is quite a drop from last year's which was over \$214,000. With the new reassessments the average home there will be a drop of about \$32.00 for the Municipal portion of the Taxes. Anyone who's home is worth more than that this will not hold; it is based on the average price house in Franklin.

Monica Miebach, CFO, stepped forward for the budget discussion. Mrs. Miebach explained the Water and Sewer budget. The delinquents were explained last year versus this year, last year the Borough reinforced shout offs and Minor's Cove paid their connection fees to water and sewer. This year is the first year in a long time the Borough is not pulling anything out of fund balance to balance the budget. Mrs. Miebach explained water and sewer had a savings in electric due to high efficiency pumps put in the wells.

Mrs. Miebach explained the current fund budget. Mrs. Miebach explained the following; coop savings of 5% last year across the board amounted to approximately twenty thousand dollars which is reflected in this year's budget, just to clarify this coop is for the Municipal end for saving, appeals, average assessed home, money was saved on a DPW retire, and no longevity pay for his replacement.

Mr. Limon asked why the figures changed for the average taxpayer of a saving from \$42.00 to \$32.00 since the workshop.

Mrs. Miebach explained all the final figures were not in from the Tax Assessor and reassessment company.

Mrs. Miebach asked the Council to take a vote on snow plowing; to up the budget, then explained the Borough has already used half the amount that had been budgeted. This might change the amount of saving for the average home she requested the Council to vote on this matter.

Mr. Kilduff commented you are recommended to up the \$45,000 budget for snow removal overtime to \$55,000 and to include that in the new introduced budget on March 11.

Mr. Snyder made a motion to up it [snow removal overtime] another \$10,000 to \$55,000. Seconded by Mr. Giordano.

Mr. Limon asked what would happen if the Council didn't up this line item.

Mrs. Miebach explained to the Council.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

There was a brief discussion on the tax collection rate from 2012 to 2013.

Resolution 2014-17 Transfer of Appropriation Reserves

Mr. Zschack made a motion to approve resolution 2014-17 for the Transfer of Appropriation Reserves (2013 Municipal Budget) in accordance with N.J.S.A. 40A-58/59. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction of Ordinance 3-2014 Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Mr. Zschack made a motion to introduce an ordinance entitled "TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)" Seconded by Mr. Snyder.

Mayor Crowley announced the public hearing will be held March 11, 2014.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction of Ordinance 2-2014 Authorizing the conveyance of a portion of Lot 25 Block 1301

Mr. Zschack made a motion to introduce an ordinance entitled "AUTHORIZING THE CONVEYANCE OF A PORTION OF LOT 25, BLOCK 1301 TO THE COUNTY OF SUSSEX" Seconded by Mr. Fanale.

Mayor Crowley announced the public hearing will be held March 11, 2014.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-16 Alcoholism and Drug Abuse Grant

Mr. Zschack made a motion to approve resolution 2014-16 authorizing the submission of an application for the 2014 New Jersey Governor's Council on Alcoholism and Drug Abuse Grant. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Taxi License Application

Mr. Zschack made a motion to approve the Taxi License Application submitted by Stephen Collins trading as Anytime Taxi for the year 2014. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Mayor Crowley referred back to the consent agenda items. Number 2 was a resolution from the Township of Liberty regarding the legislature to implement a water usage act. This has to do with the Highlands. Number 3 is from the Board of Chosen Freeholders urging the Governor to back legislation that will extend the 2% cap interest on arbitration award before April 1, 2014. Mayor Crowley would like to see the Council support both of these do resolutions and send them to Trenton. Mayor Crowley asked to have both of these resolution prepared for the next meeting.

Mr. McBriar stated he would take care of that.

Mr. Zschack made a motion to accept on the consent agenda correspondence number 2 and 3. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack made a motion to adjourn into closed executive session to discuss DPW negotiations. Motion seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 7:57p.m. and Mayor Crowley declared the meeting to be reconvened into open public 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 7:58 p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk