

**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
March 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. Fanale reported the ordinance committee has a meeting scheduled to go over the ordinances.

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Snyder had nothing to report

Mr. Giordano reported the Planning Board meeting last week was canceled, there is a recreation meeting tomorrow and the date for Spring Fling is not the same that is on the calendar. The correct date is Saturday April 12, at 12:00 noon.

Mr. Limon reported we are in the process of rescheduling [a meeting] with the public works employees for their contract. Their lawyer was unable to attend the meeting this afternoon; we will reschedule for the near future. Mr. Limon also reported he is waiting to hear on representation for Chief McInerney.

Mr. McBriar, Esq. had nothing to report from the attorney's office.

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

Borough Sites and Street Issues

NJDEP has advised the Administrator the minor modification to the Borough's water allocation permit has been approved. We are now waiting on the final Certificate of Completion which will allow the Borough to utilize Well "C" for potable backup only. Yesterday, the Section Chief for the Bureau of Water Engineering further advised the Administrator the permit will be completed this week.

A "Safe Routes to School" grant application is being prepared for submission to NJDOT. The application will seek funding to help subsidize the Borough's CR631 sidewalk project.

The Borough's Dam Inspection Report is being prepared by the engineer for submission to Trenton NJDEP Dam Safety. It will be sent out within a week.

The Engineer has begun working with the DPW Manager to plan for inspections and painting of the Borough's water tanks. This project involves use of robotic video cameras or divers to visually inspect the interior of the tanks.

Two ordinances for auction of Borough owned properties are on the agenda for introduction tonight. It is recommended the Council change the auction date to the May 27th Council meeting in order to allow more time for marketing of these properties.

Financial Control/Legal Issues

The introduced budget has been submitted to Trenton for review. A copy of the budget is available for viewing at the Clerk's counter, at the County Library Branch on Main Street and on the Borough's website. A public hearing on the budget will be held at the April 8th Council meeting.

The New Jersey Association of Realtors local market update for February, 2014 shows promising trends in Borough home sales. Over the last 12 months, the report indicates a 15.8% increase in the median sale price (\$178,400) for single family homes in Franklin. During the same period, the months' supply of inventory has decreased by 15.7%.

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In response to correspondence from the Administrator regarding denial of reimbursement for the Special Elections, the Sussex County Board of Elections advised the Borough today the State is making reimbursements to Franklin and other towns.

The governor's Police and Fire Interest Arbitration Task Force recently released their report. Management representatives and the League of Municipalities are strongly recommending the continuation of the 2% cap on interest arbitration awards. Labor representatives oppose this. Legislation has now been introduced which will extend the 2% cap but provide certain exceptions for employee contributions due to health insurance and workforce reductions. In these cases, the arbitrator may increase the award up to 3%. The outcome of this legislation promises to have significant impact on the cost of future police and fire contracts settled through arbitration. The Borough's contract with the FOP ends this year.

Operational/Personnel Matters

The Borough's website continues to be very active and an outstanding information resource for our residents. Last year more than 20,000 people visited the site, viewing 60,000 pages. A special thanks to our clerk for all the behind the scenes work required to continually post new information on the site.

In accordance with the governing body's commitment to continuing education and best practices, the county League of Municipalities is conducting an ethics training program on March 29th for elected officials. Please advise if you will be attending.

Our tax assessor is recovering from shoulder surgery and is expected back sometime next week. Phone messages may be left at Borough Hall.

A police officer, injured in the line of duty remains out on worker's compensation. No firm return to work date has yet been issued by the worker's comp physician.

A long time crossing guard has voluntarily resigned her position. A help wanted advertisement for substitute crossing guards has been posted on the Borough website.

Ogdensburg Mayor Ciasullo called the Administrator yesterday to inquire about the possibility of sharing services by the occasional swapping of DPW employees for a day. More information was requested.

Land Use Matters

The Zoning Board conducted a special meeting on March 19th to consider a Resolution of Memorialization in the matter of CM Franklin's amended application for redevelopment of the old Kulsar property. The revised application was to settle a pending lawsuit by the Shell station owners who were objecting to the prior approval. The resolution was approved by the Board. The developer anticipates construction to start this spring.

Long-term and Capital Projects

The Borough has requested planning assistance for Main Street from the Office of Local Planning Services. The office, within the Department of Community Affairs, offers general land use and special project planning services at no cost to the municipality.

Requests for quotations have been sent out for the Firehouse Boiler replacement and natural gas conversion project. Bids will be opened on April 3rd at 11AM.

With warmer weather and melting snows surveying crews have now completed their work for Corkhill Road resurfacing. The survey information will be utilized to prepare a paving overlay plan with the calculated quantities and cost estimates. The project is scheduled for phased completion over a 3 year period as the amount budgeted (\$212, 062) for 2013 is insufficient to complete the project in a year.

Requests for quotes have been sent out for approximately 8,000 linear feet of CCTV video inspection of the sanitary sewer system in Area 4 (Mitchell Ave area). Also included in the request is the cleaning of the same length of pipe. Upon completion of the video inspection, the selected contractor is to provide a detailed condition survey of the mains and man holes in the area inspected. This report will be utilized by DPW and/or the Borough Engineer to develop site specific remedies for observed defects in the sanitary sewer system. The next metering area to be inspected will be Area 5 (Rt. 23 South/Franklin Ave. vicinity). These two areas (4 & 5) have already been identified as the major contributing locations for inflow and infiltration.

Miscellaneous

Sussex County is sponsoring an Open Enrollment Event for the Public tomorrow, March 26th, from 1PM to 7PM at the Sussex County Community College, Building "E" in Newton. Residents are invited to attend the event and learn more about the new Health Insurance Marketplace. For more information visit the Borough's website or checkout the flyer posted in the lobby. Go and become an Obamacare Expert!

JCP&L is offering tours of their northern emergency response office to public officials tomorrow from 5:30PM to 7:30PM in Morristown.

Mayor Crowley reported one thing he wanted to bring out to the public is Council meetings are not a forum for political discussions. If people want to have a political discussion they should take them outside someplace else, not here. Mayor Crowley commented it was brought to his attention from some people in the public that want to oppose decisions by officials to recuse themselves for not being able to vote because they have conflicts. Elected Officials recuse themselves when they see fit from the vote; this is a self volunteer decision by the official. It is up to them to

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decide whether they have a conflict, whether they should abstain or not vote on any matters.

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.

Jennifer Kovach, 80 Buckwheat Road, Franklin, stepped forward. Ms. Kovach stated her comments tonight are about the good and welfare of Franklin. Ms. Kovach commented she was born and raised in Franklin and currently lives and works in Franklin. For the first time ever she is appearing here before the Council not as an attorney but as a resident. In the past she has witnessed the Franklin Mayor and Council address controversial issues and has been confident the town is in good hands; there was never a need to appear until now. Since she has been observing recent events she can stand by no longer and observe the residents of Franklin being attacked by Mr. Fanale. Nothing has been done to address the growing problem, she wonders if Mr. Fanale's behavior has become so common place it is no longer recognized by the Council. Ms. Kovach commented she does not begrudge anyone's constitutional right to assert their opinion, Mr. Fanale with great power comes great responsibility and you sir have acted anything but responsible in your public ranting. Ms. Kovach read comments posted by Mr. Fanale and her daughters reaction to the comments regarding police officers. Ms. Kovach commented she is confident her comments did not fall on deaf ears.

Mike Gunderman, 23 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented in his 42 years of employment at the Borough of Franklin not one time did the Mayor and Council ever chastise an employee for doing his job. Rafael Burgos was doing his job and that is exactly what he was doing.

Nicole Miller, 15 Zimmer Drive, Franklin, stepped forward. Ms. Miller commented she wanted everyone to hear what the letter did say that was requesting what was dismissed previously. Ms. Miller read "Please accept my letter of request regarding recent Facebook comments made by our elected town Councilman David Fanale, concerning hatred and discrimination against Borough police officers and police officers in general." The letter requested Mr. Fanale not to be permitted to vote when discussing matters or motions concerning but not limited to the Franklin Police Department as a result of the prejudice comments made on Facebook following a recent fire in Franklin. Ms. Miller continued reading the letter, "In my thirty years of law enforcement experience he never witness such irresponsible and reckless comments directed toward police officers by an elected town official. I would like to assume that while serving in the position of an elected official one would think to carry some sense of respect, dignity and fairness in their thought process. How far can a fair and unbiased vote be cast by Mr. Fanale when he carries such bitterness and discrimination in his heart. I am also aware that Councilman Snyder respectfully abstains from casting any vote relating to the Franklin Police Department as his son currently works for the department." Ms. Miller commented she was brought up with good morals and respect for others; she also learned if you don't have anything nice to say don't say anything at all.

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. Babcock asked in regards to the black topping of Corkhill Road; where does Braen [Aggregates] stand on that with the trucks going in and out of there.

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Mayor Crowley commented they [Braen Aggregates] have said they will cooperate.

There was a brief discussion regarding Braen Aggregates.

Mr. Kilduff commented he has had conversations with the owner of the company regarding helping the Borough out, we will be talking to him more. Braen Aggregates already has an obligation to pave about 500 feet of that road.

Mr. Limon asked about RFP with the Sanitary System inspection, asking if the Borough is receiving any compensation from SCMUA for that.

Mayor Crowley commented no, that is all on us, that is not part of their system.

NEW BUSINESS

Approval of the Minutes

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

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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 March 10, 2014 from James C. Kilduff, Administrator to Mr. Manfred Amisshah, NJDEP Re: "Final Notice of Technical Deficiency" Received: 3-03-14 PWSID no. 1906002 Franklin Borough, Permit Appl. No. WCP 130001.
2. Letter dated January 8, 2014, (received March 10, 2014) from William J. Groeling, LSRP President, Site Remediation Group LLC to Mr. John Squeri, Spartan Oil Company Re: Response Action Outcome Block 104 Lot 36.
3. Memo dated March 12, 2014 from James C. Kilduff, Administrator to Brian Vandenbroek, Re: Compensation Time.
4. Memo dated March 14, 2014 from James C. Kilduff, Administrator to Brian VandenBroek Re: DPW Report on Building Closures.
5. Memo dated March 14, 2014 from Joseph Drossel to James Kilduff, Administrator Re: New ordinance proposal request.
6. Letter dated March 13, 2014 from Melissa Rockwell, Sussex County Tax Administrator Re: Preliminary Equalization Table.
7. Resolution 2014-44 from Union Township Support of a Water Tax to Fund the loss of Land Equity for Property Owners in the Highlands Region.
8. Letter dated March 13, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to Borough of Franklin Council Resolution Re: Authorizing the County of Sussex to enter into a shared service agreement with Franklin Borough for the Management of the Franklin Congregate Nutrition Program in Accordance with the provision of N.J.S.A. 40A:65-1 ET SEQ.
9. Letter dated March 19, 2014 from James C. Kilduff, Administrator to Janet Reilly Re: Resignation: Crossing Guard Position.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for February, 2014.
2. Police monthly overtime revised 3-9-14.
3. Health Department Report February, 2014.

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APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

Mr. Limon made a motion to approve the consent agenda of March 25, 2014.
Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

NEW BUSINESS CONTINUED

Littell Community Center Shared Service Agreement

Mr. Zschack made a motion to approve the Littell Community Center Shared Service Agreement between The Township of Hardyston and The Borough of Franklin from January 1, 2014 to December 31, 2014. Seconded by Mr. Babcock.

Mayor Crowley commented this has been brought up before, Mr. Giordano had wanted to ask Recreation about the agreement. This is basically the same contract that was before.

Mr. Giordano respectfully asked the Council to table the agreement; recreation has not had a meeting. There isn't an emergency to push this through. We [recreation] just wanted to discuss this; recreation is interested in utilizing the Littell Center.

Mr. Zschack asked if that was a motion to table [the agreement]

Mr. Giordano made a motion to table the Littell Community Center Shared Service Agreement until recreation has reviewed the agreement. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley commented this will be tabled until the next Council meeting.

EDC Appointment

Mr. Zschack made a motion to appoint Floy Estes from EDC Alternate #1 to EDC member, term expires December 31, 2014. Seconded by Mr. Fanale.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-24 Items of Revenue and Appropriation

Mr. Zschack made a motion to adopt resolution 2014-24 requesting approval of items of Revenue and Appropriation NJS 40A:4-87. Seconded by Mr. Snyder.

Mr. Kilduff explained the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 4-2014 Authorizing the Sale of Property Owned by the Borough.

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Mr. Zschack made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 2702, LOT 16" with one change to change the auction date to May 27, 2014. Seconded by Mr. Limon.

Public hearing will be held April 8, 2014

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 5-2014 Authorizing the Sale of Property Owned by the Borough.

Mr. Zschack made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 2702, LOTS 14 AND 15" one change on page one auction to be conducted on May 27, 2014. Seconded by Mr. Limon.

Public hearing will be held April 8, 2014

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no execution session.

MISCELLANEOUS COMMENTS

Mr. Babcock commented we need to get going with the bat and net, lot cleared and asked if there were any quotes yet for the walking path.

There was a brief discussion regarding 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 7:30 p.m., seconded by Mr. Fanale.

All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk