

**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
April 8, 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 meet last Wednesday; the committee came to an agreement on Commercial Vehicles/RV Ordinance. The paperwork will be forwarded to the Administrator. The committee was also in agreement with pond use fees and garage sale fees, as far as an ordinance for residents to use the pond; there is no reason to charge residents additional fees.

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Snyder reported the hearing and adoption of the budget is later.

Mr. Giordano reported the awards committee has met; a senior of the year has been selected. The plaque has been ordered, the Spring Fling starts at noon on Saturday. The Littell Center and pond area discussion is on the agenda for tonight. Soccer wants to use the [recreation] field which is an agenda item; there are some issues regarding baseball he will address [later].

Mr. Limon reported on the agenda is an updated salary ordinance the personnel committee met and recommend that; we are also having discussions with the DPW employees regarding their contract.

Mr. Limon reported the personnel committee recommended we send the Mayor to the Mayor's Conference next month. Mr. Limon commented there was no opposition on that.

Mr. Ursin, Esq. had nothing to report.

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

Borough Sites and Street Issues

Borough engineers have completed all surveying and are working up pricing for the Cork Hill Road, Phase 1, repaving project. A meeting is planned with Braen Aggregates to discuss the project. Resolutions authorizing the work should be ready by the end of April or early May.

Yesterday, the Borough received its permit for operation of Well C, the back up well for Well B. This concludes a 4 year old process for the construction and permitting of the Borough's backup well. The addition of Well "C" as backup ensures the Borough's firm capacity and capability to serve present and future water needs.

The ball field area along the fence line has been prepped for new netting. The DPW Manager is securing prices. Minor sink hole repair work on the ball fields has been completed. A walking jogging path was proposed last year. The Council and Recreation should give consideration to the scale of the project and funding. Discussion is on tonight's agenda.

The State's fish stocking program has been severely curtailed due to a bacteria requiring the euthanizing of a large population of brook trout at the Pequest Hatchery. The DEP reports the

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bacterium poses no health threat to humans or other animal species. As a result of the disease, this year's stocking program has been reduced both in numbers of fish and duration. The stocking program will end in May. During this period reduced numbers of fish, primarily rainbow trout will be stocked. Yesterday, approximately 520 fish were stocked at 9 stops along the Wallkill River. Stocking locations in Franklin include the Franklin Avenue Bridge, Scott Road, Rt. 631 and Susquehanna Street. Trout production maintenance waters (e.g. Franklin Pond Creek) are not being stocked.

Financial Control/Legal Issues

Last week the State concluded their review of the Borough's budget and gave the "go ahead" for the Borough to adopt its budget after the public hearing which is on tonight's agenda. The budget, which reduces municipal taxes \$27.30 on an average home assessed at \$174,105, is the product of months of hard work by all involved and especially our CFO, Monica Miebach. Through the continuing efforts of the governing body and employees, the Borough has successfully introduced a lean budget to the benefit of its taxpayers.

Introduction of a salary ordinance is on tonight's agenda. The proposed ordinance is an update to the 2012 salary range ordinance. The proposed ordinance sets salary ranges only; it does not provide pay raises.

Operational/Personnel Matters

The Public Works negotiating committee met with the Department of Public Works bargaining unit representative and attorney on April 3rd. More meetings are planned.

The Personnel committee met on Thursday, April 3rd to review the salary ordinance introduced tonight.

Land Use Matters

At the request of the applicant's attorney, the matter of Drost, 91 Main Street has been carried to the next Board meeting.

Approved site plans are being signed for the STS/Auto Zone project. Zoning approval and construction permits for Auto Zone are expected to be issued shortly for the Auto Zone Store. The project was delayed by litigation with the Shell station owners.

Long-term and Capital Projects

The deadline for receipt of proposals for the firehouse gas conversion project has been extended two weeks to provide contractors more time to complete bid preparation.

Miscellaneous

The 24th Legislative District is conducting a meeting for elected officials on May 6th, 4PM at Waterloo Village. Lt. Governor Guadagno and DEP Local Government Assistance Director, Cindy Randazzo are expected to attend.

Monday, March 31st was the last day for submission of petitions to run for Council and Republican Party committee in the June 3rd primary. There are two seats up for election: Councilman Limon and Councilman Zschack. Republican candidates who submitted petitions are Joseph Limon, Michael Rathbun, Robert Dabinett and Judy Stampone. Patricia Rowett submitted a petition for the Democratic nomination. Male and female candidates for Republican Party County Committee are as follows: District 1: Louis Crescitelli III; Virginia N. Littell. District 2: Michael Rathbun and John Peter Vahaly; Alison Littell McHose. District 3: Nicholas A. Giordano; Gail D. Hodas. Democratic Party committee seats are not up for election this year.

There will be a drawing on Friday, April 11th to determine the order of names on the June 3rd ballot. The drawing will be conducted at 3PM in the Borough Hall administrative offices on the first floor.

The Franklin Recreation Commission will hold a Senior Spring Fling on Saturday, April 12th at noon in the Franklin Firehouse. The annual event celebrates Franklin's senior community.

The Mayor will be attending the 51st Annual New Jersey Conference of Mayors, beginning April 30th. The 3 day conference covers topics of interest to NJ Mayors including: tax reform, insurance costs, interest arbitration and economic development.

Mayor Crowley reported there is a dinner at the Fire House at the end of the month on April 25; see one of the Fireman for details and tickets. The Girl Scout garage sale is coming up April 26; the gem show will be April 26 and 27.

OPEN PUBLIC SESSION

Mr. Fanale 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.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented in the news there was a fire and two patrol people in New York City went [in] and they

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were overcome with smoke; the same problem here in Franklin. Mrs. Tatka recommends the FOP back their policemen for safety sake being the police are the first on the scene most of the time and provide them with air masks in their vehicles. Mrs. Tatka commented the garage sale is April 26, 9:00 to 5:00, this will probably be her last year running [the garage sale]. Mrs. Tatka commented on the uncollected taxes.

Mrs. Tatka inquired about two letters on the consent agenda. One was a letter from Karen Folkarts in reference to the Zoning Officer.

Mayor Crowley explained the letter was praising the zoning officer and his work to clean up some areas.

Mrs. Tatka asked about the Franklin Diner letter.

Mayor Crowley explained that was from the Administrator asking them to do something with the diner.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez commented on the agenda is the use of the field for soccer. We haven't had football in awhile; it is great to see use of the field again. We are looking to get approval for the Little League for field use; it is a short time frame and there are some issues with the netting.

Mayor Crowley commented we are in the process of replacing the netting.

Mr. Martinez commented he is looking for an approval of the field use. Mr. Martinez had both applications for the field use and gave them to the Mayor.

Jason Carey, 53 Deerfield Drive, Franklin, stepped forward. Mr. Carey commented as of Sunday he is the new president of Walkkill Valley Little League which explains a lot of the confusion and the mishaps with the application at the pond. Mr. Carey wanted to show support for the league and come here [to the Council], he has been a resident for 44 years; played baseball on that field as a child. Mr. Carey commented on the net down at the field. Opening day is April 19; there are a lot of young men that will be disappointed if we can't use the field.

Mayor Crowley commented we are going to try and do everything we can to get the netting up as soon as possible and get the fields available to you as soon as possible.

Mr. Babcock asked Mr. Carey if they would be available to help assist with the field.

Mr. Carey commented he has a lot of volunteers who are willing to help out.

Mr. Babcock asked if the parade was there this year.

Mr. Carey commented there will be about 50 kids disappointed if we don't have a parade.

David Onage, Board member, commented we really need immediate approval to start practicing. That is what we are requesting here.

Mayor Crowley stated this will be discussed tonight.

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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 March 27, 2014 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to Mayors of all Sussex County Municipalities Re: Creating a steering committee for the Sussex County Strategic Growth Plan/Vision 2020 Plan update and appointing its members.
2. Letter dated March 27, 2014 from Elaine A. Morgan, Clerk of the Board of chosen Freeholders to All Sussex County Municipals Clerks Re: Refunding Bond Ordinance of the County of Sussex, State of New Jersey (The "County") providing for the refunding of certain outstanding bonds of the County to achieve debt service saving, and authorizing the issuance of not to exceed \$11,000,000 aggregate principal amount of general obligation refunding bonds of the County to effect such refunding and appropriating the proceeds therefore and authorizing the public hearing to be held on Wednesday, April 9, 2014 at 5:00 P.M. and publication thereof.
3. Letter dated April 1, 2014 from James C. Kilduff, Administrator to Jody Larsen Carroll and Jean Gauthier Re: Franklin Diner, 101 Rt. 23.
4. Letter dated April 2, 2014 from Mayor Paul B. Crowley to Karen Folkerts Re: Zoning Officer Joe Drossel.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Officer report for March, 2014.
2. Construction report for March, 2014.
3. COH report for March, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for Peddler license for Juan Zerna to operate an ice cream truck.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 8, 2014.

Mr. Limon made a motion to approve the consent agenda of April 8, 2014. Seconded by Mr. Babcock

Upon roll call vote:

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

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for March 25, 2014. (Absent: None) Seconded by Mr. Zschack.

Upon roll call vote:

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

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Resolution 2014-25 Cancel Old Grant Balances

Mr. Snyder made a motion to adopt resolution 2014-25 cancelling old grant balances. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing on the 2014 CY Municipal Budget

Mayor Crowley opened the meeting to the public for anyone wishing to comment on the 2014 CY Municipal Budget.

Mrs. Tatka, 151 Maple Rd, Franklin, stepped forward. Mrs. Tatka commented she noticed a lot of the town budgets listed full time and part time employees; Franklin only has 58 how many are full time and part time.

Mr. Babcock made a motion to close to the public the public hearing on the 2014 CY Municipal Budget. Seconded by Mr. Limon. All were in favor.

Resolution 2014-27 to Adopt the CY 2014 Municipal Budget

Mayor Crowley asked for a motion to adopt the Municipal Budget.

Mr. Babcock made a motion to adopt the 2014 CY Municipal Budget. Seconded by Mr. Snyder.

Mayor Crowley asked if anyone on the Council had any questions.

Mr. Babcock commented a great job to our budget committee, Monica Miebach, [CFO] and Jim Kilduff, [Administrator].

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-26 Contract with Enforsys Police System

Mr. Zschack made a motion to adopt resolution 2014-26 authorizing the Mayor and Clerk to enter into the contract with Enforsys. Seconded by Mr. Giordano.

Police Chief McInerney, stepped forward and explained to the Council the reason for the change to Enforsys.

Mr. Babcock commented if the Chief thinks this is the right step he has to back the Chief on this.

Chief McInerney stated absolutely.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 6-2014 Setting Range for Salaries

Mr. Zschack made a motion to introduce an ordinance entitled "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY" Seconded by Mr. Limon.

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Mayor Crowley explained the ordinance.

Upon roll call vote:

Ayes: Fanale, Limon, Snyder, Babcock

Nays: Giordano Absent: None Abstentions: Zschack

Public hearing will be held April 22, 2014.

Adoption of Ordinance 4-2014 Authorizing the sale of Property owned by the Borough.

Mr. Zschack made a motion to adopt ordinance 4-2014 "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."

Mayor Crowley asked if both ordinances can be done together.

Mr. Ursin stated you can do both of them together if you identify them, read both at the same time you can hold the same public hearing and you can vote on them together.

Mr. Ursin commented it is two separate ordinances you would just vote on them together.

Adoption of Ordinance 5-2014 Authorizing the sale of Property owned by the Borough.

Mr. Zschack made to adopt ordinance 5-2014 "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."

Mr. Snyder seconded both ordinances.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 4-2014 and 5-2014.

No one from the public stepped forward.

Mayor Crowley asked for a roll call vote on number 7 and number 8. [Ordinance 4-2014 and Ordinance 5-2014.

Mr. Ursin commented the Borough might want to announce publicly the public auction for these properties will be on May 27, 2014 at the Council Meeting.

Mayor Crowley repeated May 27, 2014 at the Council Meeting will be the Auction.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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.

Mr. Giordano commented recreation discussed the agreement; we [the Borough] spend a lot of money on this and really don't get much as far as Franklin Recreation

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goes. Mr. Giordano commented we should approve the contract this year but we should have a little more accountability to the recreation committee so we know things are being done in a manner that is consistent.

There was a brief discussion regarding the Littell Community Center agreement, joint recreation, fees charged at the Littell Center [regarding an elementary dance], and quarterly reports.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Alcoholic Beverage Social Affair Permit

Mr. Zschack made a motion to approve Alcoholic Beverage Control (ABC) social affair permit application for Immaculate Conception School on May 16, 2014 at the Franklin Fireman's Field. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Fanale, Giordano, Zschack,

Nays: None Absent: None Abstentions: Limon, Snyder, Babcock

Memorial Day Parade

Mr. Zschack made a motion to accept the request from the American Legion Post 132 to hold a parade on Memorial Day, May 26, 2014; parade line up at the Legion Post at 10:00 A.M. and starts at 10:30 A.M. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ADDENDUM

Application for Municipal Recreation Area

Mayor Crowley asked for a motion to approve the Walkkill Valley Travel Soccer Club; they have their paper work in and insurance so they can start practicing right away. We also have an application for the Walkkill Valley Little League. Mayor Crowley commented he would like to get a motion as long as the Administrator gets the proof of insurance we can get permission for both of these groups to start practicing right away; then this will be reinforced at the regular recreation meeting.

Mr. Babcock made a motion to approve both applications. Seconded by Mr. Giordano.

Mayor Crowley commented this motion is to approve both of these groups to start practicing right away with the Administrator's approval.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on the Franklin Pond Area

At this time there was a discussion regarding the Franklin Pond Area.

Mr. Kilduff referenced a report on the Franklin Pond Area done by Mr. Martinez and the Adhoc committee. Mr. Kilduff commented with all of these projects it comes down to establishing priorities, cost and determine which of the projects we want to

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advance first. Safety is the priority concern, item number two the vines have already been cleared in anticipation of putting in new netting along the third base line. The DPW has met with one of the companies out there for pricing, three prices than we can select the lowest price.

There was a discussion on new netting, life expectance of the net, companies submitting bids, last year baseball netting expense, if the net should be left up all year long, softball shed, scoreboard repair, focus on the baseball scoreboard, getting volunteers, SLAP workers through the sheriff's office, an additional camera at the police station, field issues, lighting and no parking on the grass.

Joe Martinez, recreation chairman, stepped forward. Mr. Martinez suggested a plastic break away chain [to block off the grass] this way if someone does cross the chain would just brake away. This would address a safety issue as well and it's easy to replace.

Mayor Crowley commented we need to get together with Brian VanDenBroek and see what can be done, if he has men and equipment to do it. Everyone is in agreement; you want all this done, but it comes down to the materials.

Mr. Giordano commented we don't have men at the DPW. We can do no parking on the grass; that is very simple. We can make arrangements with SLAP to get what needs to be done.

Mr. Limon commented to have Public Works focus on this.

Mr. Kilduff referred to an issue with the lighting. The Borough charges \$150.00 for use of the lighting. The Soccer team uses the lights five nights a week; the first night the cost would probably be \$150.00. This is a big ticket project but would save the Borough money. Mr. Kilduff explained how a new lighting system would be a saving for the Borough. There are funds in the Millie Harden fund that could be used for this.

Mr. Limon commented he thinks the walking track would be more important. The lighting there is old but it works.

The discussion continued on a lighting and timer system.

Mr. Kilduff asked if the council would like him to get bids on a walking path; and named some materials that could possibly be used.

There was a discussion on a walking path, getting the engineer involved, use volunteers, wetlands being close to Rte. 23, location of the path, which material to use, maintenance of the path and having the engineer get a cost estimate.

Mayor Crowley commented for the Administrator to have a discussion with the Borough Engineer regarding this project and talk with Brian [Vandenbroek] regarding the other smaller projects.

Mr. Giordano commented there is one storage container down there we want to clean up. Maybe we can use for scrap metal.

There was a brief discussion on the storage container.

EXECUTIVE SESSION

There was no executive session.

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MISCELLANEOUS COMMENTS

Mr. Limon asked if the Borough can get flags to run along Main Street from Memorial Day to Labor Day. If the Borough purchases them Mr. Limon will volunteer to install them.

Mr. Kilduff commented we put new Flags up last year.

Mr. Babcock commented they were left out all winter and got ruined. Mr. Babcock stated we [the Fire Department] are financially strapped this year and the last few years.

Mayor Crowley commented we can look into the kind of shape the Flags are in now.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 7:56p.m., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk