

**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
June 10, 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 and Mayor Crowley.

Absent: Mr. Zschack

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."

PRESENTATIONS

Steve Marino, Knights of Columbus presented an award to Sally McGrath.

Mr. Marino read the following honoring the Knights of Columbus Senior of the Year Sally McGrath.

Our next recipient lives in Franklin and has been a true asset to her community. Sally worked in the office of Franklin High School for many years. It has been said that she planted the oak tree on the hill top which is the School's alma mater's song. The question to the thousands of students of Franklin High would be whose heart didn't she touch? The answer is she didn't miss many; if any at all.

To Mention a few activities she is involved with; a member of the Daughters of the American Revolution; Franklin Historical Society, and senior citizens.

Sally is the mother of three beautiful girls and has four grandchildren. Above all she is the apple in the eyes of her four grandchildren; this is where she shines and makes the greatest impact. You only have to look into the eyes of her children and grandchildren when she is present.

Sally prefers to give by serving others. At the age of 39 and holding one should be receiving and being served. She has been blessed with one of the warmest and greatest smiles that adds to her golden personality. As many of her senior friends put it, "Sally is a friend who can always be counted on for assistance, guidance and a shoulder to lean on for moral support".

In closing, Franklin has been blessed with such a senior citizen. It is my honor to introduce you to one who gives so much of herself serving others, all done through her golden heart. Our Senior of the Year.

SALLY MCGRATH

Mrs. Sally McGrath, stepped forward to accept the Senior of the Year Award. Mrs. Emily Basilwitch stepped forward and read the award presented to Mrs. McGrath.

Mayor Crowley stepped forward for the presentation and thanked and congratulated Mrs. McGrath for everything she has done for the community.

Mr. Marino commented Franklin Borough has given the Knight of Columbus 4 wonderful candidates that are also present tonight.

**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
June 10, 2014**

Mrs. McGrath thanked everyone for the award.

COMMITTEE REPORTS

Mr. Limon had nothing to report.

Mr. Giordano reported recreation will be working continuously over the next few weeks for Franklin Night, which is approaching. Mr. Giordano commented he has been asked by the president of DASI to invite the Mayor and Council to DASI Day at the Bodi Tree, this Saturday June 14 from 10:00AM to 8:00PM.

Mr. Snyder had nothing to report.

Mr. Babcock had nothing to report.

Mr. Fanale had nothing to report.

Mr. Ursin, Esq. had nothing to report.

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

Borough Sites and Street Issues

The County has offered to repave a portion of Junction Street in recognition of the impact caused by the Franklin viaduct bridge E-07 replacement project. The County is also proposing road widening at the railroad crossing to accommodate drainage improvement. A meeting to discuss the details will be forthcoming.

DPW crews are patching numerous pot holes throughout the Borough's road system as new financing is in the works for infrastructure improvements. Once the funding is in place the Borough will be in position to accelerate its road resurfacing schedule.

The DPW is implementing drainage improvements on Corkhill Road to address resident complaints regarding flooding during heavy rain events.

All of the lien holder notifications have been sent with no response concerning plans to demolish 2 buildings on Rt. 23 commonly known as the "Franklin Ski shop". The next steps include securing an asbestos report and quotes for abatement and actual demolition.

The Clean Communities student worker program is expected to start on June 23 rd. The program will run for 6 weeks.

Financial Control/Legal Issues

The Borough's Audit report is on tonight's agenda. A synopsis of the report is expected to be published in the NJ Herald on June 12th.

A Bond ordinance appropriating an aggregate of \$1,796,000 for financing the Borough's capital improvement program is on tonight's agenda for introduction. The ordinance includes issuance of bonds in the principal amount of \$1,536,000, \$77,000 for down payments on improvements and the anticipated \$183,000 grant from NJDOT for High Street improvements.

The State has enacted new legislation which allows municipalities to pass ordinances requiring direct deposit for its employees. Direct deposit saves paperwork, eliminates lost checks and time spent searching for checks and records. It simplifies finance bank reconciliations by eliminating outstanding payroll checks. To take advantage of these efficiencies, the Borough must implement an ordinance mandating direct deposit pursuant to P.L. 2013, c.28. A draft ordinance will be presented to the Council for the next meeting.

On July 1st the State's phase-in of higher employee contributions for pension and health insurance will reach the highest level, known as Tier 4. All municipal employees will have deducted from their salary, the maximum allowable level of contributions for health insurance. Employee contributions for pension will also increase July 1st. In many cases, the increased deductions result in a substantial offset to any salary increases. For example, a 2% increase for the average non-contracted employee would yield just \$200 additional income, after deductions, for the whole year.

A resolution authorizing a 2% increase in wages and salaries for all non-contracted employees is on tonight's agenda. The increase will help employees address cost of living increases.

Operational/Personnel Matters

A persistent comment in the Borough's audit report concerns segregation of duties and speaks directly to the issue of staffing. When employees perform multiple functions as they do because of limited staffing patterns, the Borough cannot overcome this comment.

A new three year lease has been prepared for the Franklin Band's use of office space at the Senior Center. The terms of the lease remains unchanged from the prior lease: 3 years with lease payments of \$1/year.

Zoning/code enforcement activity has increased with the warm weather. The May zoning report will be available at the next meeting.

**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
June 10, 2014**

The DPW negotiating committee will meet on Thursday evening with DPW representatives. An earlier date was cancelled at the request of DPW negotiators. The Personnel committee has responded to the FOP negotiator's demands for the Chief's contract.

The Administrator hosted a meeting last week with the Borough attorney, the Police Chief, the WVFAS and Fire Department to review the Health Insurance Portability and Accountability Act (HIPAA).

Land Use Matters

On June 5th the Zoning Board adopted a memorializing resolution in the matter of Brian Drost & 91 Main Street LLC. The Board's action settles the ongoing litigation and gave site plan approval and a use variance for one additional ground floor apartment accessible from the back of the building.

Santé Bus LLC and Franklin Square Health & Wellness, LLC's amended Site Plan application for Skylands Medical and a new office building will be on the Planning Board's agenda for June 16th. The proposed new medical building is to be located at the old Morley Shirt parking lot on Mitchell Avenue.

The ordinance for commercial and recreational vehicles in residential zones is on the agenda for introduction tonight with a public hearing on July 8th. Municipal Land Use Law requires the ordinance be forwarded to the Planning Board for review within 35 days. The Planning Board has a large application pending. The Council's moratorium on enforcement of the old ordinance expired on June 1st. It is recommended the Council extend both its moratorium and review period allotted to the Planning Board in order to provide adequate time for review and adoption of a new ordinance.

A draft land use ordinance relating to storage containers "PODS" is on tonight's agenda for discussion. This ordinance will also require review by the Planning Board.

Long-term and Capital Projects

Camera inspections of sanitary sewer lines is now scheduled to commence on June 19th. Inspection crews will be working in and around the Mitchell Avenue section of town.

Bid opening for Phase 1 of the Corkhill Road repaving project will be on June 19th at 11AM. The project length is approximately 1 mile beginning at Franklin Avenue.

Miscellaneous

The County Clerk's office has published official results from last Tuesday's Primary election. Incumbent Councilman Joseph Limon and Robert Dabinett won the Republican primary for the two seats on the Franklin Council. Councilman Limon received 199 votes; Robert Dabinett, 161 votes; Michael Rathbun, 145 votes and Judy Stampone, 103 votes. Patricia Rowett secured the uncontested Democratic nomination with 45 votes. On the County level, Franklin resident and incumbent Phil Crabb won the Republican nomination for Freeholder with 3,362 votes.

For male member of the Republican County Committee there was only 1 contested seat: District 2. The winner was John Peter Vahaly with 60 votes; Michael Rathbun received 37 votes. Other uncontested winners were District 1, Virginia Littell (114 votes) and Louis Crescitelli, III (105 votes); District 2, Alison Littell McHose (100 votes); District 3, Gail Hodas (97 votes) and Nicholas Giordano (102 votes). We congratulate the primary winners and thank all those who participate in the democratic process. The general election will be held on Tuesday, November 4th.

Mayor Crowley reminded everyone to complete the Financial Disclosure forms that are required to be sent into the State. If you haven't done so please do so. Mayor Crowley reminded everyone the Fire Department is having a comedy night on June 14, 2014.

Mayor Crowley commented he would like to personally congratulate Sally McGrath for all she has done for the community.

OPEN PUBLIC SESSION

Mr. Babcock 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.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina explained his strong ties to Franklin Borough. Mr. Durina commented over one year ago he asked to stop wasting tax payers money and negotiate in good faith with the DPW employees. Mr. Durina questioned the negotiation costs and asked what the total is.

Mr. Durina commented on posting on Face book regarding the Police Department. These comments have to stop, they are statements that could put our policeman at risk. Put a stop to this and stand up for our police department and Police Chief. Our town always had a sense of community, a town where a promise was a promise we all grew up as children together and love this town. A town that treated its employees with respect and fairness not with a mean spirited leadership shown in front of the room.

**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
June 10, 2014**

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented the Memorial Day Parade is a special occasion for herself and her family; we were all moved and inspired by Brian Kilduff's comments, Jim you must be very proud of him and the whole Borough is proud of him. The grounds looked beautiful and the ceremony was beautiful.

Mrs. Heath expressed her concerns for the billing of legal fees, Mr. Ursin's agreement has been the same since 2011 except for him changing his firms in 2013. The agreement is an annual retainer in the amount of \$63,500 payable by voucher at the rate of \$5,291.66 per month. Mrs. Heath explained what the retainer covered and did not cover. Mrs. Heath explained her main focus on the fees regarding the attorney's fees for the Board of Public Works contract negotiation starting in 2011-2012. Mrs. Heath made an OPRA request for the information. The billing is very confusing, and explained the billing she requested. Mrs. Heath commented she has never [seen] bills paid without backup, the billing on 1/31/14 stated prepared correspondence regarding adjournment of hearing, informing per Council's intent to negotiate. We went through all this money all this time and now we are going to negotiate. Mrs. Heath referenced a Borough employee that was not paid minimum wage because a Municipality does not have to pay \$8.15 an hour.

Jim Marino, 4 Hilltop Lane, Franklin, stepped forward. Mr. Marino questioned the interest rates that you (the Borough) will be paying you can cover with the current debt service without increasing any taxes. Mr. Marino questioned the interest rate, if the rate was fixed and what if the interest rates go up. Mr. Marino asked if the State has any financing that is available through the State for road improvement, do they offer any financing. Mr. Marino questioned why money is not put aside each year to repair road and the draining needs to be addressed in the Borough. Mr. Marino questioned and voiced his opinion on the three minute maximum time allowed for the public to speak.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented we should at least get 5 minutes that we used to have. Mrs. Tatka questioned the location of the apartment that was approved for Mr. Drost, the power coop and asked if that was a dead issue, the money for the Fire House conversion, and the bonding issue should be put on the ballot. Mrs. Tatka questioned the cost to the taxpayers and how often the payments are paid. Mrs. Tatka commented she is sorry to see that Mr. Zschack is not representing the people of Franklin any longer, he is very fair and makes sensible comments and decisions. Mrs. Tatka commented on Mr. Zschack's comments at the last meeting regarding interviews for police officers. Mrs. Tatka commented she doesn't see why you can't give our Chief the authority to interview candidates and give you [the Council] the three best ones and gave her opinion.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen commented at the last meeting you talked about the Bond issue and it is on the agenda again tonight. Mrs. Allen asked if Main Street was included at all [in the improvements]. Mrs. Allen explained how on Memorial Day so many people came out for the parade and this is the road used for the Soap Box Derby. Mrs. Allen would like to see improvements on Main Street.

Sally McGrath, 7 Walsh Road, Franklin, stepped forward. Mrs. McGrath asked last year she asked to have the road [Walsh Road] looked at, they [DPW] were there the next morning. Mrs. McGrath asked is anything going to be done regarding her road, the end of her wall is eroding every time it rains.

**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
June 10, 2014**

Michael Krupa, 134 Main Street, Franklin, stepped forward. Mr. Krupa is pleased that Mr. Zschack is not running again. Mr. Krupa explained a situation regarding himself and Mr. Zschack. Mr. Krupa commented on how he was going to move forward regarding the situation.

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.

Mr. Giordano requested the letter from Hardyston [item 3] be removed for discussion.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated May 15, 2014 from Michael Russo Director, Division of Local Aid and Economic Development NJDOT to Mayor Crowley Re: NJDOT Municipal Aid grant for the County Route 631 Sidewalks Phase I (Fowler Street).
2. Letter dated May 21, 2014 from John Eskilson, Sussex County Administrator to James Kilduff, Administrator Re: Proposed Junction Street Resurfacing associated with the Replacement of the Franklin Viaduct Bridge E-.07.
3. Letter dated May 21, 2014 from Carrine Piccolo-Kaufer, Township Planner/Deputy Manager to James Kilduff, Administrator Re: Littell Community Center Non-Profit Fundraising Fees.
4. Memo dated June 3, 2014 from J. Kilduff, Administrator to All Department Heads Re: Purchasing & Encumbrances.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for April, 2014.
2. Tax Department Report for May, 2014.
3. Fire Marshal Report for May, 2014.
4. Construction Report for May, 2014.
5. COH Report for May, 2014.
6. Construction Permit Activity Report for May, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application to operate a Pet Shop located at 414 Rte 23, trade name Route 23 Pet Center LLC.
2. Application to operate a Tattoo Parlor in the Borough of Franklin located at 418 Rte 23N, trade name Moonlight Tattoo LLC.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 10, 2014.

Mr. Giordano made a motion to approve the consent agenda of June 10, 2014. Seconded by Mr. Limon.

Mayor Crowley commented we will have a roll call on the consent agenda with item #3 removed for discussion.

Upon roll call vote:

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

OLD BUSINESS

**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
June 10, 2014**

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 May 27, 2014. (Absent: Babcock) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Fanale, Giordano, Limon, Snyder,

Nays: None Absent: Zschack Abstentions: Babcock

Summary or Synopsis of Audit Report

At this time Mr. Tom Ferry of Ferraioli, Wielkotz, Cerullo and Cuva Certified Public Accountants presented an overview of the 2013 Franklin Borough Audit Report.

Mr. Ferry stepped forward and gave a summary of the 2013 Audit report. Mr. Ferry explained good tax collection rate for 2013, fund balance of Water Utility, fund balance policies, internal control of the Borough, internal control in small towns with few employees, the recommendation is to either spread out the duties or hire someone for the internal controls, to hire someone if it is within the costs and means of the Borough, 90% of his towns in Sussex County have that comment we are small organizations up here.

Mayor Crowley commented he understands the problem, but he doesn't see how we can hire more people just to spread out those duties.

Mr. Ferry commented we can try to work with what we have now and spread the duties within. There is also a problem with the Water Utilities and Tax Collection department, there is only one person doing both, that is a weakness.

Mr. Ferry explained the encumbrance system, change in audit procedure looking at an invoice to see if there is a date on the purchase order prior to the invoice. There was a few incidents where goods and services were being purchased after the purchase order which means they are not being encumbered. Mr. Ferry explained we need to have a system and review the departments to make sure there are funds available before a purchase is made. This is a small weakness in the system we just need to tighten up. It is his job to tell you he found this weakness.

Mr. Fanale asked is regards to internal control weakness, what constitutes a weakness.

Mr. Ferry explained a situation from one of his other towns with internal control weakness where someone was stealing.

There was a discussion on internal controls.

Mayor Crowley questioned a public assistant fund and need for it.

Mr. Ferry explained the public assistant fund.

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

Resolution 2014-44 Certifying Review of the 2013 Audit

Mr. Limon made a motion to adopt resolution 2014-44 certifying the Franklin Borough Council has reviewed the 2013 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Mr. Snyder.

**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
June 10, 2014**

Mr. Fanale commented he doesn't see how we can say we have reviewed this, he hasn't.

Mayor Crowley commented it was sent out a week ago.

Mr. Fanale commented he didn't pick up his packet until Sunday. He can't sign it right now, we have 45 days according to this resolution from the date May 23, he respectfully requests to put this [the resolution] off for two weeks until we have time to review this completely.

Mr. Ursin stated someone could make a motion to table it.

Mr. Fanale made a motion to table this for two weeks to give us enough time to review.

Mayor Crowley asked if there was a time frame.

Mr. Ferry said yes 45 Days, from the date he delivers the Audit to the Borough.

Mr. Babcock seconded the motion to table the resolution for two weeks.

Mr. Ursin said the motion on the table now on the floor can be voted on.

Mayor Crowley commented the motion on the floor is to table this until the next Council meeting.

Mr. Kilduff questioned the publication for the newspaper.

Mr. Ursin commented the Synopsis is independent from both motions on the table.

Upon roll call vote:

Ayes: Babcock, Fanale,

Nays: Giordano, Limon, Snyder Absent: Zschack Abstentions: None

Mr. Ursin stated we are back into discussion on the resolution to certify review of the audit.

Upon roll call of the original motion:

Ayes: Giordano, Limon, Snyder,

Nays: Babcock, Fanale Absent: Zschack Abstentions: None

Resolution 2014-49 Corrective Action Plan

Mr. Snyder made a motion to accept and approve for filing the corrective action plan for the Audit Report year 2013 prepared and filed by the Borough's Chief Financial Officer. Seconded by Mr. Limon.

There was a discussion on the resolution.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Resolution 2014-48 Amending the Capital Budget

Mr. Snyder made a motion to adopt resolution 2014-48 to amend the Capital Budget for the year 2014. Seconded by Mr. Limon.

Monica Miebach, CFO, stepped forward to explain the resolution.

**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
June 10, 2014**

There was a brief discussion on the resolution.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: Fanale Absent: Zschack Abstentions: None

Resolution 2014-43 Awarding Raises for Non-Contract Employees

Mr. Snyder made a motion to adopt resolution 2014-43 awarding raises for non-contract employees. Seconded by Mr. Limon.

Mayor Crowley commented this is a cost of living raise for non contract employees, it does not include the police, contract employees the administrator or DPW, it does not include the DPW employees that are in negotiation now. It will be retroactive to January 1.

Mr. Limon stated this was recommended by the personnel committee.

Mayor Crowley commented the money is in the budget

Mr. Fanale commented here we are again some of these people on this list not five months ago already received a sizable raise. Just because one person is doing two separate jobs, just because someone becomes QPA and received a \$5,000 stipend/raise whatever and that job title is showing as a zero here but that same individual is functioning as a CFO and a QPA there is already a raise in here.

Mr. Kilduff explained she is getting a raise as CFO because she got the additional money for achieving the QPA that is why it shows zero.

Mr. Fanale commented the police secretary is on here, the zoning officer got more hours. Mr. Fanale commented he doesn't think public employees understand where public money comes from and to just give across the board 2% merit raises to people who salaries are coming from people the residents, many of whom have not seen any raise in 5 years or longer.

Mayor Crowley stated these are not merit raises they are cost of living.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding resolution 2014-43.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented for the last 5 to 7 years public employees are being bashed, police officers, teachers, because they happen to have a position 10 year. She is a tax payer, she is retired and she feels the employees deserve to have at least 2% cost of living. You [the Council] are in charge of our money's but it is the wrong attitude, these people work very hard for their money.

No one else stepped forward and address the Council

Upon roll call vote:

Ayes: Giordano, Limon, Snyder,

Nays: Babcock, Fanale Absent: Zschack Abstentions: None

Introduction Ordinance 8-2014 Bond Ordinance

Mr. Snyder made a motion to introduce an ordinance entitles "BOND ORDINANCE APPROPRIATING \$1,796,000, AND AUTHORIZING THE ISSUANCE OF

**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
June 10, 2014**

\$1,536,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Limon.

Public Hearing will be held June 24, 2014.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Introduction Ordinance 7-2014 replacing portions of Section 161-32

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING PORTIONS OF SECTION 161-32 ENTITLED "ACCESSORY STRUCTURES AND USES" AND PERTAINING SPECIFICALLY TO COMMERCIAL VEHICLES AND MOBILE DWELLINGS, TRAILERS AND RECREATIONAL EQUIPMENT IN RESIDENTIAL ZONES" Seconded by Mr. Limon.

Public Hearing will be held July 8, 2014.

At this time Mr. Kilduff asked the Council to consider putting off the public hearing because this ordinance has to go to the Planning Board, they have a full agenda at the moment. Mr. Kilduff asked to extend the moratorium on enforcement of the ordinance for three months.

Mr. Ursin asked if we have a motion to introduce this.

Mayor Crowley commented we have a motion and a second.

Mr. Ursin commented to make it all in one motion to introduce the ordinance put the hearing off to July 22.

There was a discussion regarding the date.

Mr. Ursin stated the motion would be to move the public hearing to the second Tuesday in August a date which we will announce in just a second and then to extend the moratorium to September 30.

Mr. Kilduff commented the ordinance has to be reviewed by the Planning Board; they have a full agenda and suggest maybe a September meeting.

Mr. Ursin stated he thinks you should table the introduction then, and vote on a moratorium. In his view it is too big a gap between an introduction, the publication that is going to go in the newspaper and the public hearing. If the administrator is recommending you table the introduction of this ordinance until the July meeting and in addition in that motion extend the moratorium until the end of September. That would accomplish your two goals and we would know more about scheduling in July.

Mr. Giordano made the motions. Seconded by Mr. Babcock.

Mr. Ursin commented tabling the motion to the July meeting to consider for introduction and the moratorium is extended to the end of September. That is the vote.

Upon roll call vote:

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

**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
June 10, 2014**

Nays: None Absent: Zschack Abstentions: None

Resolution 2014-45 Liquor Licenses Renewal

Mr. Giordano made a motion to adopt resolution 2014-45 authorizing the Borough Clerk to renew liquor licenses for the 2014-2015 licensing term. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano

Nays: None Absent: Zschack Abstentions: Limon, Snyder

Resolution 2014-46 Statement of Support

Mr. Giordano made a motion to adopt resolution 2014-46 endorsing the attached Statement of Support for the Guard and Reserve. Seconded by Mr. Snyder.

Mayor Crowley explained the resolution.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Resolution 2014-47 Authorizing Assignment of Tax Sale Certificate

Mr. Giordano made a motion to adopt resolution 2014-47 authorizing assignment of Tax Sale Certificate #2013-006 on Block 501 Lot 4 known as 80 Scott Road, Franklin in the amount of \$1,824.02. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Lease Agreement with Franklin Band

Mr. Giordano made a motion to approve the lease agreement between the Franklin Band and the Borough of Franklin, for one office space on the ground floor located at the Franklin Senior Center for a three year period April 1, 2014 to March 31, 2017. Seconded by Limon.

Mr. Snyder commented he believes when we set the lease prior there was a stipulation in the lease that we were giving them a low lease amount so they would be the band for the Fire Department of the town. He doesn't see that in this agreement.

Mr. Ursin stated the lease agreement is the same as the original lease agreement, he thinks what you are referencing is when you give a low cost lease to a nonprofit as a municipal entity, they [the nonprofit] are required to file a report with the town indicating what public functions they have served.

Mr. Kilduff referred to the lease under rent and read that section.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Appointing a Public Defender

Mr. Giordano made a motion to appoint David Dumbroff, Esq. as an additional Public Defender. Seconded by Mr. Limon.

**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
June 10, 2014**

Mayor Crowley commented at times there are conflicts with public defenders and they have to go to somebody else for that service. This was recommended by the Judge.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

Discussion on Draft "POD" Ordinance

At this time there was a discussion on a draft "POD" Ordinance.

Mr. Fanale referenced a memo from the Zoning Officer dated March 14 regarding POD's. The memo was presented to the ordinance committee, we concluded this was another opportunity to nickel and dime Franklin residents. The committee understands there should be some sort of control in place and the ordinance as we agreed would include "yes" a limit to the amount of time. A resident that pays their taxes should be able to temporarily keep their temporary storage unit on their property for approximately 60 days. That will be tied into and building permit, it is very simple. Mr. Fanale read the draft ordinance.

There was a discussion regarding the draft ordinance.

Mr. Ursin commented we will take [the ordinance] put it into the form and find a place in the ordinance book where it would go. Between now and the next meeting upon introduction you can either recommend it be 90 [days] or make any small amendment on introduction are fine.

Mayor Crowley commented what we need is a consensus; are we going forward with this we don't have to figure out the 60 or 90 days now. Mayor commented start the paper work.

The discussion continued on permits, fee and how many POD's to allow on a property.

Mr. Fanale commented why doesn't the ordinance committee review this again.

EXECUTIVE SESSION

There was not executive session.

MISCELLANEOUS COMMENTS

Mayor Crowley asked Mr. Giordano for his comment on item 3 that was pulled off the consent agenda.

Mr. Giordano regarding the Littell Center agreement, he applauds Hardyston, Hamburg and Franklin for finally coming to our senses and presenting a way that our non profits can use the Littell Center without paying for it. Mr. Giordano referenced the agreement in regards to the joint recreation committee and questioned if there was still a joint recreation committee and who was on the committee.

Mr. Babcock made a motion to accept item 3 from the consent agenda. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: Zschack Abstentions: None

**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
June 10, 2014**

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:33p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk