

**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 24, 2014**

Council President Limon 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. Snyder and Mr. Zschack.

Absent: Mayor Crowley

Council President Limon led the assembly in the flag salute.

Council President Limon 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**

Jackie Espinoza, Area Manager for Jersey Central Power and Light.

Ms. Espinoza from JCP & L stepped forward. Ms. Espinoza commented she likes to come out [to the Borough] once in a while to give a quick update. Last year we updated the communication with a smart app, my town website, the good old telephone and even Facebook to report an outage. During Superstorm Sandy for a good part of the time the only way to communicate was through Face book.

Ms. Espinoza commented the critical facility list was updated, Mr. Kilduff helped her a lot and his staff with updating the list. In her database she can click a button during a storm can call and give the list of critical facilities and work with the County OEM. There is also a RDO tour presentation once month; it is sometime difficult to get to Morristown on a Thursday afternoon. Ms. Espinoza handed out one of the slides from the tour presentation. Ms. Espinoza explained the handout and the restoration process.

Ms. Espinoza commented she is always available if anyone has any questions and there is also the tour. It is a pleasure working with everyone.

**COMMITTEE REPORTS**

Mr. Fanale had nothing to report.

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Giordano reported there will be a recreation meeting tomorrow; this is the last one before Franklin Night. Mr. Giordano also reported the DPW committee met last week and is moving forward with hopefully resolving that issue. Mr. Kilduff will report on Planning Board matters.

Mr. Snyder had nothing to report.

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

Borough Sites and Street Issues

Bids were opened for the Corkhill Road resurfacing project on June 19<sup>th</sup>. Four bids were submitted. The low bidder for the project Rockborn Trucking & Excavating was more than \$22,000 below the next lowest bid. Award of the bid is on tonight's agenda.

The Borough has received proposed plans from the County for resurfacing of Junction Street. The area proposed for repaving is limited to the section from the railroad crossing to Fowler Street.

DPW staff are repairing deteriorated catch basins throughout the Borough. Drainage improvements along Corkhill Road have been completed where flooding occurred during heavy rains. Walsh Road repairs are scheduled for the end of the month.

Financial Control/Legal Issues

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Three of the air conditioner compressor units have failed and replacement has been recommended. The job includes renting a large crane for removal and installation of the roof mounted units. Introduction of an ordinance to appropriate \$12,000 for replacement of the air conditioning units is on tonight's agenda.

The NJLM advises "This afternoon the Governor signed A-3424, which will reinstate the 2% cap on interest arbitration awards and help provide needed relief for our taxpayers, into law." The law extends to December 31, 2017, the 2% hard cap on any contract going before an arbitrator.

Operational/Personnel Matters

Advertisement for a new police closed on June 16th. Approximately 4 dozen applications were received. The selection Committee is reviewing applications.

The police officer who sustained injuries in the line of duty last September remains out of work and may not be able to return to work. The matter is under review.

A change in status from probationary to permanent employee and pay increases for two police officers is on tonight's agenda. The FOP has filed a Grievance for placing this matter on the agenda.

An advertisement has been placed for court attendant. Mr. Ed Curry is moving out of state and has submitted his resignation. We wish him well.

Land Use Matters

In the matter of Santé Bus, LLC and Franklin Square Health and Wellness Center, the Planning Board granted site plan approval for a planned medical facility and new 20,400sf medical office building on the site known as Morley's parking lot. Tenants are being sought for the new building. The approval includes completion of phased plans for the existing 54,000 square foot building.

The Hardyston Construction office is reviewing construction plans for the new STS Store. Sidewalk and curbing installation along Rt. 23 are expected to begin this week.

Long-term and Capital Projects

Jet cleaning of sewer lines in the Section 4 designated area was completed yesterday. This work is required for the video inspections which are scheduled to begin tomorrow.

A grant application for the Borough's Safe Routes To School (SRTS) CR631 sidewalk project is due for submission by June 30<sup>th</sup>. A resolution in support of the project has been added as an addendum item to tonight's agenda. The project is valued at approximately \$333,000 for sidewalk construction from the viaduct bridge to the pond area and up Buckwheat Road to Evans Street.

The state has retained a company to officially close out all large projects from previous disasters. The Borough is working with the consultants to closeout projects relating to Tropical Storm Sandy and Irene.

Miscellaneous

The County's grant funded update of the Sussex County Strategic Growth Plan has prepared a draft copy of the Sussex County Economic and Demographic Profile. The study looks at shifting demographics and current trends.

The Sussex County Economic Development Partnership has nominated Franklin Borough for its 2014 Municipal Award, given to a municipality that serves as a strong business proponent in attracting and retaining business and/or business friendly attitude and service.

Mr. Ursin, Esq. had nothing to report.

**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. Fanale. All were in favor.

Council President Limon commented he asked for the public to address him, he will answer the best he can and there is no time limit.

Eugene McInerney, Borough of Franklin Chief of Police, 110 Main Street, Franklin, stepped forward. Chief McInerney commented the items listed on the agenda under new business #2 and #3 which made a motion to approve salary step increases for Franklin Police Officers is improper and should not be on the agenda. These are contractual items which have already been approved, this has been approved since 1/1/2012. As Chief of Police and concerned tax payer he is politely advising the Borough Council that this is a direct violation of the collective bargaining agreement currently in place with the Borough and its police department. He has advised Mr. Kilduff of the violation, he has agreed the items are contractual. He strongly suggests that if the Borough Council intends on leaving these items on the agenda

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you seek other independent legal advice as violating this collective bargaining agreement is a liability to our taxpaying residents.

Sylvania Dureny, 391 Rutherford Ave. Franklin, stepped forward. Ms. Dureny commented she is addressing an issue that she has with one of the Councilman. Ms. Dureny explained a situation regarding herself and Mr. Fanale. Ms. Dureny never had a complaint with the town, if we ever had a problem the police department was there supporting them. Mr. Babcock showed up that night. Then explained what happened when Babcock arrived to their home. Ms. Dureny gave her concerns with Councilman Fanale and comments said.

Councilman Babcock commented for the record it was Officer Babcock.

Council President Limon commented this is an issue we shouldn't be discussing, you have other avenues that should be looked into.

Ms. Dureny commented she is addressing [this because], he represents the council.

Mr. Limon commented this is the first he was hearing about this.

Bob Dabinett, 127 Corkhill Road, Franklin, stepped forward. Mr. Dabinett commented on the water repair on Corkhill Road; the water department did a terrific job down there. Mr. Dabinett addressed Mr. Kilduff, commented he is very pleased to see the Planning Board passed the Skylands Medical Facility. This will be a great asset in the future. Mr. Dabinett commented on the need to appoint the Board of Public works and gave reasons why. Mr. Dabinett respectfully requested the Council to appoint the Board at the July meeting.

Donna Arrigo, 33 Ben Franklin, Franklin stepped forward. Ms. Arrigo questioned the new business on the agenda for the patrolman. Ms. Arrigo respectfully requests, Mr. Babcock and Mr. Fanale not be allowed to take part in this vote, she represents a great many people. It is not a fair vote if they take part in it.

Mike Krupa, 134 Main Street, Franklin, stepped forward. Mr. Krupa commented Mr. Limon he hopes that you do not sweep under the table what this young lady [Ms. Dureny] explained. Please pursue this.

Mr. Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina first commented on the facial expressions of one of the Councilman. Mr. Durina commented we love this town of Franklin, our town is known as the Fluorescent Mineral Capital of the World now we are known as the town that hates our police and has no respect for authority, Facebook bullies at work. Franklin Councilman or Facebook Bully you can't be both, resign or get recalled.

There being no one else present who wished to address the Governing Body, Mr. Fanale made a motion to close the meeting to the public, seconded by Mr. Zschack. All were in favor.

**CONSENT AGENDA**

Council President Limon 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. Ordinance 2014-09 of the Township of Hardyston amending the CR Village Center District Sections 185-119 through 185-124 including its attachments, and amending the definitions section 185-4 of chapter 185, and amending the

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required off-street parking spaces section 185-77 of chapter 185 entitled zoning of the code of the Township of Hardyston to amend the Commercial Recreation Village Center Plan development provisions to allow assisted living facilities and related services including nursing services in a portion of the transitional housing sub-district of the Village Center.

2. Letter dated June 18, 2014 from James Kilduff, Administrator to Mr. Edward Curry, Re: Resignation

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

1. Zoning Officer report for May, 2014
2. Police Department report for May, 2014.
3. Board of Health report for May, 2014
4. Tax Department report for May, 2014

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

1. None File

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

1. Payment of bills for the meeting of June 24, 2014.

Mr. Giordano made a motion to approve the consent agenda of June 24, 2014. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

**OLD BUSINESS**

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

**NEW BUSINESS**

Approval of the Minutes

Mr. Giordano made a motion to approve the regular meeting minutes for June 10, 2014. (Absent: Zschack) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: Zschack

Mr. Giordano commented he will read the next motion but he doesn't necessarily agree with this being on here.

Mr. Giordano read "A motion is in order to amend the status of Patrolman Robert VanderPloeg from probationary to permanent employee at Step One, as recommended by the Police Chief on June 17th." Mr. Limon made the motion. Seconded by Mr. Fanale.

Mr. Ursin stated in recent times it appears the step raises for employees who were contractual have fallen through the cracks, you need a procedure for approving these. They are automatic provided that person has served the amount of time and they are recommended by their supervisor. They can come on the agenda, the consent agenda or you can affirmably vote the Administrator approve them; then he will simply announce them in his Administrator's report. This came before the Council tonight because in recent times there hasn't been a procedure for approving these and it can't be done below the Administrator level.

Mr. Limon asked is there any way we can make an amendment on the motion.

Mr. Giordano commented we can retract the motion.

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Mr. Ursin stated these two things are on the agenda; they are here for action, they should be voted on if you get done with number three and you prefer in the future that the administrator approve these provided that both these requisites are made a simple announcement in his administrator's report. Someone can make a motion between three and four and that will be the procedure in the future.

Mr. Giordano commented he would be more comfortable if we did that from this point forward because there is some controversy surrounding these particular motions on the agenda tonight; he strongly suggests that we consider retracting this motion and that we have another motion to approve the administrator doing this on his level and he can announce the people that have been moved up in the contract. This would hopefully elevate any of the potential pit falls and we can be done with that and have established a procedure that we can move forward with and everybody can agree on.

Mr. Limon stated he needs a motion and a second, which means that would make it a superseding motion.

Mr. Giordano made a motion to allow the administrator to advance per contract the police employees per recommendation of this request. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Limon, Zschack

Nays: Fanale Absent: Crowley Abstentions: Babcock, Snyder

Mr. Ursin stated the motion passes; the presumption is both of these have met the prerequisites they will be approved by Mr. Kilduff and be approved on the appropriate dates so payroll is notified and so forth.

Mr. Zschack asked if the motion covers number three on the agenda also.

Mr. Ursin commented number three on the agenda is no longer a consideration.

Adoption of Ordinance #8-2014 Bond Ordinance

Mr. Giordano made a motion to adopt Ordinance #8-2014 "BOND ORDINANCE APPROPRIATING \$1,796,000, AND AUTHORIZING THE ISSUANCE OF \$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. Snyder.

**Prior to final roll call, Council President Limon would like to open the meeting to the public for any comments regarding ordinance #8-2014.**

Mr. Babcock made a motion to open Ordinance 8-2014 to the public. Seconded by Mr. Fanale.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen explained the soap box derby on Sunday, asked for repair on that road [Main Street]. Mrs. Allen gave her concerns on bring Main Street back again.

Mr. Limon commented this [the ordinance] is according to the plan, we can [consider] your recommendation.

No one else stepped forward for the Bond Ordinance. Mr. Limon asked for a roll call vote.

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

Nays: None Absent: Crowley Abstentions: None

Resolution 2014-50 Tax Refund

Mr. Giordano made a motion to adopt resolution 2014-50 authorizing the Tax Collector to refund Arnold Hokin Mortgage Company Wells Fargo for the 1st and 2nd quarters of 2014 in the amount of \$2,400.82 and to cancel the 3rd and 4th quarters taxes of the tax year 2014 due to permanently disabled Veteran exemption. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Resolution 2014-51 Authorizing to Amend the Capital Budget

Mr. Giordano made a motion to adopt resolution 2014-51 to amend the capital budget for the year 2014. Seconded by Mr. Limon.

Monica Miebach, CFO, stepped forward and explained the resolution.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Introduction Ordinance #9-2014 Appropriating the Total Sum of \$12,000.00 from Reserves.

Mr. Giordano made a motion to introduce an ordinance entitled "APPROPRIATING THE TOTAL SUM OF \$12,000.00 FROM RESERVES FOR IMPROVEMENTS TO MUNICIPAL BUILDING BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Limon.

**Public Hearing will be held July 8, 2014.**

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Introduction Ordinance #10-2014 Mandate Direct Deposit.

Mr. Giordano made a motion to introduce an ordinance entitled "MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES PURSUANT TO C. 52:14-15f *et. seq.*" Seconded by Mr. Limon.

**Public Hearing will be held July 8, 2014.**

Upon roll call vote:

Ayes: Fanale, Giordano, Limon, Snyder, Zschack

Nays: Babcock Absent: Crowley Abstentions: None

Resolution 2014-52 Temporary Road Closure

Mr. Giordano made a motion to adopt resolution 2014-52 regarding temporary closure of Franklin Avenue, County Road 631, this is for Franklin Night. Seconded by Mr. Zschack. All were in favor.

Resolution 2014-53 Awarding Bid for the Resurfacing of Cork Hill Road.

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Mr. Giordano made a motion to adopt resolution 2014-53 awarding the bid for the Resurfacing of Cork Hill Road - Section 1 Franklin Borough. Seconded by Snyder.

Mr. Babcock questioned Braen Aggregates responsibility for this item.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Addendum

Resolution 2014-54 renew liquor licenses

Mr. Giordano made a motion to adopt resolution 2014-54 authorizing the Borough Clerk to renew Liquor Licenses for the 2014-2015 Licensing Term. Seconded by Mr. Zschack.

Mr. Giordano asked if the Borough reviews any of the liquor licenses for any issues.

Mr. Ursin stated the renewal is not the right time, so if you have a liquor license and you have issues with it there is a procedure. The fact they are up for renewal shouldn't coincide. The time period for renewal is very short and doesn't provide for an investigation or hearing but the Council always has the authority to take action with respect to liquor licenses.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Snyder, Zschack

Nays: None Absent: Crowley Abstentions: Limon

Resolution 2014-55 Safe Routes to School Program

Mr. Giordano made a motion to adopt resolution 2014-55 support submission of application for NJDOT Safe Routes to School Program. Seconded by Mr. Zschack.

Mr. Kilduff explained the resolution.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

**EXECUTIVE SESSION**

There was not executive session.

**MISCELLANEOUS COMMENTS**

Mr. Fanale referred to Ms. Dureny comments. Mr. Fanale explained the situation Ms. Dureny was referencing.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Babcock made a motion to adjourn the meeting at p.m., seconded by Mr. Zschack.

All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk