

**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
August 12, 2014**

Council President Joe 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. Giordano, Mr. Limon, Mr. Martinez, 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

Robert G. Walker, Interim Superintendent, Walkkill Valley Regional High School District addressed the Council referring to his letter dated July 28, 2014 Re: Resolution to eliminate Sussex County Technical School Tuition.

Mr. Walker, stepped forward. David Car, Assistant Principal in charge of instruction and curriculum was also present. Mr. Walker commented three years ago they decided to charge tuition at Sussex Tech, for 40 plus years they charged no tuition, because it is a County School and it is paid for by the County and the State. Those are the two sources of funding they had for 40 plus years. When the State started cutting money the charge was passed on to us [Walkkill Valley]. In the three short years that they have charged tuition Walkkill Valley has lost out of their classrooms nearly seven hundred thousand dollars. Mr. Walker explained the effect on Walkkill Valley High School due to the tuition charge, asked the Council to pass a resolution, it is not fair to take money the tax payers voted to go to Walkkill Valley and pull it out. Mr. Walker commented this is a County school [Vo-Tech], let the County support it, we have a 2% cap let us keep it.

COMMITTEE REPORTS

Mr. Martinez had nothing to report.

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Snyder had nothing to report.

Mr. Giordano reported the Recreation Committee is planning concert in the park, it is on the same day the Fire Department is having the steak and lobster dinner.

Mr. Walker excused himself from the meeting.

Mr. Giordano asked about supporting Mr. Walker's effort.

Council President Limon commented at this point he recommends to table it, look into it further since we have received it this evening, look into for action if we have any next meeting.

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

Borough Sites and Street Issues

A shared service resolution and agreement with the County is on tonight's agenda. Under the negotiated agreement, the County will perform resurfacing of portions of Junction and Fowler Streets and other improvements as a concession for cancellation of the E-12 Bridge project. Also included is a cash payment of \$2,950 for the Borough's CR631 sidewalk project extending from the new viaduct bridge

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Cork Hill Road resurfacing was begun on July 18th by the contractor, Rockborn Trucking & Excavating. About 1 mile of paving was completed in this phase of the Borough's resurfacing program. Core sampling and final inspections have not yet been completed.

The County Division of Senior Services/Nutrition will be donating 2 laptops to teach seniors computer use. Along with this reimbursement program the Borough will use its Senior Trust monies to purchase a third laptop and wireless router for the Senior Center. The only expense to the Borough will be the monthly internet charge.

Water tank inspection quotes from 4 companies are being reviewed by the engineer. The work will include complete external and internal tank inspections and maintenance/repair recommendations.

An asbestos study is on the agenda for 429 Rt. 23 (the Ski Shop). The study is a prerequisite for the Borough's plans to demolish the two buildings on this property. The Borough engineer advises a ball park estimate for the actual demolition is in the \$30k to \$35k range.

Financial Control/Legal Issues

Today was the bid opening for \$2,572,085 in bond anticipation notes for the Borough's capital improvement program to finance road resurfacing. Seven bids were received; Jefferies LLC was the low bidder with a net interest rate of slightly more than half of one percent: .588%. The bond attorney is reviewing the bids. The Borough's offering statement was helpful in receiving a large number of competitive bids. Thanks to our CFO for her diligence in working with Bond Counsel and auditors to prepare the bids.

The Administrator has been advised the insurance carrier has settled the worker's compensation case with the former clerk.

Operational/Personnel Matters

The Land Use Secretary has resigned to accept a full time position elsewhere. We thank Ruth for her service and wish her good luck. A search has begun for a replacement secretary.

Retired employee Allen Space has begun his part time duties with the Borough DPW following clearance with the division of pensions.

Mr. Joseph Martinez was appointed to the Council on August 5th. Mr. Martinez's volunteer experience on Recreation and the Zoning Board will serve him well in his new duties as a Council member. We welcome Mr. Martinez to the governing body.

A police officer continues to be out of work as a result of injuries sustained in the line of duty on September 27, 2013. At present he is not able to resume his full duties and has applied for retirement.

A conditional offer of employment for a new police officer is on tonight's agenda. The offer is subject to satisfactory background and psychological check. The individual is currently working as a police officer in another town.

With the hiring of a new police officer and probable retirement of Sergeant Kinney, the Police Department staffing would remain at 12 officers including the Chief. The Council should give consideration to hiring additional personnel as soon as possible.

Land Use Matters

The Planning Board adopted a Resolution of Approval in the matter of Santé Bus LLC and Franklin Square Health & Wellness, LLC. The approval is for build out of the existing 54,778sf building (formerly the Morley Shirt factory) and construction of a 20,800sf building on the adjacent parking lot.

An application for a Taco Bell Restaurant has been filed with the Zoning Board of Adjustment for an empty lot between the Wal-Mart entrance road and Dunkin Donuts. A hearing on the matter is likely to be held in September.

As a result of his appointment to the governing body, Mr. Martinez has had to resign his position on the Zoning Board of Adjustment. The Mayor will make a new appointment in the near future.

Long-term and Capital Projects

A report provided to the Council concerning closing the water department complex on Franklin Avenue is on the agenda for discussion. The report estimates annual operating costs of approximately \$12,000. The 3.956 acre parcel and improvements are valued at \$384,900.

Plan for the NJDOT local aid High Street paving and sidewalk project are now being finalized. The project is expected to go to bid at the end of the month. The work includes new sidewalk & curbing between Rutherford Avenue and Parker Street on the westerly side and new pavement from Rte. 23 to Main Street.

Based on our cameraing study for inflow & infiltration (I & I) of the sanitary sewer system, leakage was found on the Rutherford Ave side of Rt. 23. Bid plans and specs are being prepared for distribution in September to effect repairs on those sections requiring rehabilitation.

Miscellaneous

The Sussex County Public Health Nursing Office at 201 Wheatsworth Road in Hardyston is offering a variety of low cost vaccine clinics for children and adults. In some cases vaccines may be provided without charge. Interested persons should contact the Clinic Coordinator as posted on the bulletin board downstairs.

Thank you to the Historical Society and President Judy Williams for their efforts in creating an attractive and informative display at the New Jersey State Fair/ Sussex County Farm and Horse Show. The display featured many great photographs depicting the Borough's rich history.

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.

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Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented on the regular agenda, new business item 13 the detective assignment, there should be no motion needed for that and referenced state statute. Mr. Durina commented on items #15 and 16 on the regular agenda, asking to get the environmental study first. Mr. Durina commented on item #17 Passaic County Coop of natural gas, cautioned the Council on dealing with a third party energy supplier. Mr. Durina commented on a newspaper article on the chief's contract, DPW contract and to negotiate.

John Yanish, 21 Mitchell Ave., Franklin, stepped forward. Mr. Yanish commented he is here because of the senior citizens of Franklin. Mr. Yanish commented he read in the paper the chief of police wants a 4% increase, commented on the chief's salary, his benefits. Mr. Yanish commented the chief of police today will be making \$148,600 almost \$150,000. Mr. Yanish commented the police department does a good job but there is a limit. Mr. Yanish commented on his concerns for Senior Citizens, amount of taxes they pay, trying to live on Social Security, population of the town and the amount paid to the police department the saving to the town not having a chief and referenced Hamburg. Mr. Yanish commented we have to do something for the Senior Citizens of this town. Mr. Yanish thanked the Council for listening to him.

Shawn Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented a quick rebuttal, the top two student's of Franklin's class 2014, [are not going to Wallkill]. Mr. Kidd commented if Wallkill had the programs that Tech had they would be attracting the students. Mr. Kidd commented since they have to pay tuition for each student that goes there, Wallkill is really getting off not having to upgrade their computer labs, library or AV department. When they do their budget cuts and take those things into account and the students decided to go to other schools in the County or elsewhere, it is Wallkill's fault not the County's fault.

Jim Williams, 279 Wildcat Road, Franklin, stepped forward. Mr. Williams asked where we [the Borough] are with the roads, the town bonded for roads. Mr. Williams commented Wildcat Road is a mess and asked if that road would be done this year.

Mr. Kilduff commented he didn't think Wildcat was on the schedule for this year and explained the roads to be worked on next according to the plan.

Mr. Williams asked where the Borough was with the bids for the natural gas upgrade for the boilers.

Mr. Kilduff commented he needs to have a conversation with the Engineer regarding that. The initial bids were too high, he has to follow up with the Engineer.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath congratulated Mr. Martinez and welcomed him aboard. Mrs. Heath commented we [the Borough] got a new assessment for our homes, the value of her home was reduced by \$55,000 and the saving for the yearly taxes was \$280.00. Normally when you have an adjustment with the cost of your home the tax rate goes down but the tax rate went up. Mrs. Heath questioned the reason why the assessed value was lower, because of the economy.

Council President Limon commented he would think that is the answer, the economy.

Mrs. Heath commented we lost \$55,000 value on our home to save \$280.00 a year. Mrs. Heath asked about phase two of Corkhill Road. Mrs. Heath asked about the properties that were up for sale that were donated to the town, has the Council given

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any consideration to her suggestion to contact Habitat to see if they would be interested. Mrs. Heath commented since no bids came in that might be a good avenue to go. Mrs. Heath said congratulations on the bond rate, that is a good rate.

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. Giordano. 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. Letter dated July 10, 2014 from James C. Kilduff, Administrator to Allen Space.
2. Hardyston Township Ordinance 2014-8 Amending the Land Use Ordinance of the Township of Hardyston to establish a process for Municipal Highlands Act Exemption Determinations.
3. Hardyston Township Ordinance 2014-09 amending the CR Village Center District Sections 185-119 through 185-124 including its attachment and amending the definitions section 185-4 of chapter 185, and amending the "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.
4. Letter dated July 14, 2014 from John Nugent, Superintendent Wastewater Facilities SCUMA to James Kilduff, Administrator Re: Sewage Flows
5. Memo dated July 16, 2014 from James Kilduff, Administrator to Joe Martinez, Chairman, Recreation Commission Re: Franklin Day/Night.
6. Wantage Township Resolution Opposing Expansion of Federal Control Under Clean Water Act.
7. Board of Chosen Freeholders resolution re: Opposing expansion of Federal Control under clean water act.
8. Township of Fredon Resolution 2014-48 Opposing Expansion of Federal Control under Clean Water Act.
9. Township of Vernon Resolution 14-129 Opposing Expansion of Federal Control Under Clean Water Act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for June, 2014.
2. Construction Permit Activity Report for June, 2014.
3. Police Department report for June, 2014.
4. Zoning Officer report for June, 2014.
5. Tax Department report for July, 2014.
6. COH report for July, 2014.
7. Construction report for July, 2014.
8. Police Report for July, 2014.
9. Zoning Officer report for July, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 12, 2014.

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Mr. Babcock made a motion to approve the consent agenda of August 12, 2014.
Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, 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. Giordano made a motion to approve the regular meeting minutes for July 8, 2014. (Absent: Fanale, Snyder) Seconded by Mr. Zschack.

Mr. Giordano made a motion to approve the special meeting minutes for August 5, 2014. (Absent: None) Seconded by Mr. Zschack.

Mr. Ursin stated you probably need to do those motions separate, both motions are on the floor, call the roll separately.

Roll call vote for July 8, 2014 regular meeting minutes:

Upon roll call vote:

Ayes: Giordano, Limon, Zschack, Babcock

Nays: None Absent: None Abstentions: Martinez, Snyder

Roll call vote for August 5, 2014 Special Meeting minutes:

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Zschack, Babcock

Nays: None Absent: None Abstentions: Martinez

Resolution 2014-61 Cancellling unexpended and dedicated Balance.

Mr. Giordano made a motion to adopt resolution 2014-61 cancelling unexpended and dedicated balance of the Grant Appropriation entitled "Distracted Driver Grant" in the amount of \$50.00. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-62 Tax Refund

Mr. Giordano made a motion to authorize the tax collector to refund Michael Schneck, Esq., Trustee for KAJ Franklin LLC in the amount of \$3,439.23 due to a County appeal granted for the tax year 2014. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-63 Cancellling Reserve Balance

Mr. Giordano made a motion to adopt resolution 2014-63 cancelling the reserve balance for Reassessment of Taxes in the amount of \$200.00. Seconded by Mr. Snyder.

Mrs. Miebach, CFO explained the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Resolution 2014-64 Purchase of a Police Vehicle

Mr. Giordano made a motion to adopt resolution 2014-64 authorizing the purchase of one 2015 Ford Police Interceptor Utility, All Wheel Drive in the amount of \$36,851.00. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Zschack

Nays: Babcock Absent: None Abstentions: None

Resolution 2014-65 appointing Right to Know Compliance Officer

Mr. Giordano made a motion to adopt resolution 2014-65 designating Administrator James Kilduff as the Borough's Right to Know compliance officer. Seconded by Mr. Snyder.

Mr. Kilduff commented someone has to have this title, if anyone else would like the job it is fine by him. Every five years there is a big report this is the year for that report, his predecessor has signed off on these things. The right to know basically deals with hazardous materials, a lot of paper work so he would obviously be asking for assistance from the clerk and DPW.

Mr. Zschack asked if that was a State Statue.

Mr. Kilduff commented someone has to be the right know [administrator] in the town.

Mr. Zschack commented most of the commercials and hazards materials are at the garage, other municipalities have the DPW supervisor as the right to know officer. Is there an advantage having that position here in the Borough. Mr. Zschack asked what are the advantages of having the administrator to that position as opposed to the DPW supervisor.

Mr. Kilduff commented in practice how this works Brian would supply us with the reports from the DPW side gives them to the Clerk.

Mr. Zschack commented it is a title, more than you physically doing the actual gathering of the material.

Mr. Kilduff commented he would be looking to the other employees to supply the [material].

Mr. Zschack asked if you looked into an outside [company] that supply the right to know reports for five, six, seven hundred dollars they will do everything, so the employees are not spending their time with that type of work.

Mr. Kilduff commented we have always done this in house here in Franklin, he remembers seeing Rachel's name on some of these right to know compliance. If the Council wants to appropriate funds so we can hand this off to an outside vendor.

Mr. Babcock commented [at school] it is the head custodian.

Mr. Zschack commented by passing this resolution it doesn't stop us from doing this, we can still go out and look at the cost of a company coming in to do this as opposed to the Borough Employee spending a lot of time putting that information together.

There was a brief discussion.

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Mr. Kilduff asked if the Council would like to make someone else [Right to Know Coordinator].

Mr. Giordano asked if there was a deadline. Then asked if we could table this.

Mr. Ursin commented picking up on Mr. Zschack's point, regardless of whether you out source the report or not you still have to name an officer in the town that people have a person to go to if there is a question.

Mr. Giordano commented he would feel more comfortable with the DPW Supervisor, he is more familiar with the type of chemicals that we have in the Borough, if someone comes to [the Administrator] and asks questions as the compliance officer you should have reasonable answers.

Mr. Babcock asked Mr. Kilduff if he would get a stipend to do this.

Mr. Kilduff commented he isn't asking for a stipend but are you offering a stipend.

Mr. Giordano commented that isn't something we would require we have material safety sheets that contain all our information all it is a matter of saying here is the forms. Have an outside company come in and look into this and prepare the reports. It would be more coherent just to have one person doing all of that.

Mr. Zschack commented he can agree the DPW supervisor could be in charge of this but the fact we just heard there is no stipend involved in doing this and the Administrator is going to quote to farm out to employees and not run to the buildings himself. Mr. Zschack stated to him an administrator should not be running to buildings and gathering material.

Council President Limon called for a roll call vote of Resolution 2014-65:

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-66 item of Revenue and appropriation

Mr. Giordano made a motion to adopt resolution 2014-66 requesting approval of items of revenue and appropriation NJS 40A:4-87. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-67 Tax Refund

Mr. Giordano made a motion to adopt resolution 2014-67 (revising resolution 2014-50) authorizing the tax collector to refund Mr. Hokins for the 1st and 2nd quarter of 2014 the amount of \$2,400.82 and to cancel the 3rd and 4th quarter taxes of the Tax Year 2014. Seconded by Mr. Zschack.

There was a brief discussion on the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion (NJS40:55D-64, Referral to Planning Board.)

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Mr. Giordano read At this time the Council will consider the Planning Board's July 21st report prepared by Board Attorney David Brady regarding proposed Ordinance #7-2014. The ordinance amends sections of the land use ordinance related to commercial and recreational vehicles in residential zones. *(Note: in accordance with NJSA 40:55D-26, the Council "may disapprove or change any recommendations by a vote of a majority of its full authorized membership" . . .*

Mr. Zschack commented why would we have a discussion before we have the ordinance adoption wouldn't it be more prudent to have a motion to adopt the ordinance and then discuss as one with having a separate discussion.

Mr. Kilduff commented items nine and 10 [the discussion and Ordinance] really go together.

Ordinance #7-2014

Mr. Giordano made a motion to adopt Ordinance #7-2014 "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. Zschack.

Council President Limon asked what was the Planning Board Recommendation?

Mr. Ursin referenced a letter from Dave Brady Esq. for the Planning Board dated July 23, 2014 and the Planning Board recommendation is in the last sentence for the first paragraph.

Mr. Zschack commented the subcommittee decided to go with the Ordinance that is before the Council.

Mr. Ursin stated to take a step back, there is a reason this was highlighted this way on the agenda. Any time that the Governing Body has in respect to zoning and ordinances in the town it is your jurisdiction to make. When you have a zoning ordinance in effect and you go to change it, amend something substantive you are always required to send it down to the Planning Board for their opinion as their thought to deal with this on a daily bases. When the Planning Board passes a resolution voting not to adopt an ordinance it then puts a special burden on you [the Council]. Mr. Ursin commented you can adopt this ordinance regardless of what the Planning Board says but if they recommend you don't adopt it then you need to adopt this ordinance by the two third vote, by four members of the Council vote. If that happens we will also adopt a statement as to why you over ruled [the Planning Board]. We will get that after the vote, he wanted the Council to be aware ahead of time that is the reason most of the time you send the ordinance down to the Planning Board they make some comments or changes but you [the Council] have the ultimate authority. This can't pass by 3/2, it has to pass 4/2 or more.

Mr. Snyder commented he is concerned with the gross vehicle weight 19,500 pounds and is concerned on enforcing the RV regulations.

Mr. Martinez commented this is one size fits all package and can see this broken up.

Prior to final roll call, Council President Limon opened the meeting to the public for any comments regarding ordinance 7-2014.

Shawn Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented he would like the Council to take a strong look at what you are voting on, this is how we

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work and play, anything you do to those will cost money out of our pockets and less money we have with our families. Mr. Kidd explained the effect the ordinance would have if passed on residents. Commercial and RV vehicles should be separate items.

Dawn Ingles, 72 Church Street, Franklin, stepped forward. Ms. Ingles commented she seconds what Mr. Kidd said and reminded everyone why this [ordinance] came to be. Ms. Ingles commented she hopes you [the Council] vote no.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen commented she has an RV for over 10 years not one of her neighbors has ever complained about it and explained her property. Mrs. Allen commented on electricity to the RV. Mrs. Allen commented she thinks this is unfair.

Council President Limon closed ordinance 7-2014 to the public

Mr. Zschack stated it is his understanding he thought this ordinance was making the regulation less restrictive than what we have in place right now. If this is not passed there are going to be more stringent restrictions that has to be held to the current restriction. Mr. Zschack commented this is actually easier restrictions on a lot of the vehicles and the mobile homes.

Mr. Kilduff commented there is a moratorium on this now.

Mr. Limon commented after hearing all these rejections it makes you think.

Mr. Zschack asked if this ordinance is not passed tonight does the other ordinance go immediately back into effect.

Mr. Ursin stated yes, unless you make a motion to extend the moratorium.

Mr. Zschack stated by extending the moratorium that means this Council should look at the ordinance again make changes and send back to the Planning Board and do that whole process again.

Mr. Snyder commented he was never for this anyway, it has been a waste of our time, the way it is written here is complicated with regards to the gross vehicle weight.

Mr. Babcock commented it is not a waste of time, we spent a lot of hours [on this].

Mr. Ursin commented it can always be amended again.

Mr. Giordano commented he is looking at the Commercial Vehicles being separate from the RVs, people that pay their taxes have the right to have RV's and enjoy them.

Mr. Giordano commented we should tentatively adopt this or have a moratorium before we start issuing summons.

Mr. Ursin stated if the Council wants to take this position he would stay away from moratoriums. Moratoriums are suppose to be very short lived. The easier way to accomplish what Mr. Giordano just said would be section 6 of this ordinance says "This ordinance takes effect immediately upon the final publication." Mr. Ursin commented you could insert anything, it is very common in ordinances they don't take effect for 30 days, 60 days a trial period. If you were going to adopt this ordinance as is and you wanted some time to warn people this will be coming into effect.

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Mr. Zshack asked if that is a change that can be made to an ordinance after the public hearing is in place.

Mr. Ursin commented yes, it doesn't change the substance of what is being discussed.

Mr. Giordano amended the motion to institute the ordinance 30 days after publication.

Mr. Ursin stated you have a motion on the table, Mr. Giordano made a motion to amend the motion on the table. So if someone wants to second that [we will vote] if no one seconds it then the motion dies and the ordinance will get voted on as set.

Seconded by Mr. Martinez.

Mr. Ursin commented the amendment is 30 days after the date of publication it goes into effect, this moratorium concept carried through the effective date. Mr. Ursin commented when you call the vote it is on the amendment.

Upon roll call vote on the amendment:

Ayes: Giordano, Limon, Martinez,

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

Mr. Ursin stated is doesn't pass. Now what is on the floor again is the ordinance as it is written on paper in front of you.

Upon roll call vote on original motion:

Ayes: Limon, Zschack, Babcock

Nays: Giordano, Martinez, Snyder Absent: None Abstentions: None

Ordinance 7-2014 did not pass.

Mr. Giordano made a motion to extend whole enforcement of the ordinance until such time that we can get this squared away, another 90 days.

Mr. Limon commented essentially to extend the current ordinance. There is a motion on the floor to extend the current moratorium 90 days.

Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discharge of Mortgage

Mr. Giordano made a motion to confirm the Discharge of Mortgage on August 12, 2014 for Henry and Mary Douma, 21 Scott Road, Franklin, in the amount of \$6,750.00. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

At this time Item 12 (Shared Service Agreement with Sussex County) on the agenda was passed over to item 13 due to the item is revised on the addendum.

Detective Assignment

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Mr. Giordano made a motion to appoint the assignment of Robert Vander Ploeg to detective as recommended by Chief McInerney. Seconded by Mr. Martinez.

Mr. Giordano commented this is not something the Council needs to vote on.

Mr. Ursin stated this is something the Council needs to vote on [this] it has nothing to do with the internal organization of the Police Department, which the Chief has control over. The reason this came before you tonight is it is requested and in practice you have one detective slot with a \$5,000 stipend this sets a second detective spot with a second \$5,000 stipend. The Council has to approve the expenditure of funds.

Mr. Zschack asked shouldn't we be approving the expenditure of the funds not assignment of the officer.

Mr. Kilduff commented it was a typo in the motion, item 13 the motion was suppose to approve not appoint the detective.

Mr. Ursin commented he has no objection if you prefer to phrase it that way it makes no difference it is here because you have to approve the funds.

Mr. Giordano amended his motion to approve the appropriation of the funds for another detective as recommended by Chief McInerney. Seconded by Mr. Martinez.

The Council had a discussion on a car or cell phone for a detective.

Mr. Ursin commented the amended motion is for the expenditure and to include cell phones. Is that the motion on the table.

Mr. Giordano stated he will amend it to include that [cell phones].

Mr. Martinez was asked if he was in agreement and commented yes he is.

Upon roll call vote on the amendment:

Ayes: Giordano, Limon, Martinez, Zschack

Nays: Babcock Absent: None Abstentions: Snyder

Conditional Offer of Employment

Mr. Giordano made a motion to authorize the Administrator to make a conditional offer of employment to the Police Officer recommended by the Selection Committee. Seconded by Mr. Zschack.

Mr. Kilduff explained the selection committee process.

Mr. Zschack agreed with the Administrator on the candidate recommended by the selection committee.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Zschack, Babcock

Nays: None Absent: None Abstentions: Snyder

Resolution 2014-68 Demolition of the Ski Shop Property

Mr. Giordano made a motion to adopt resolution 2014-68 authorizing the Borough Administrator to proceed to obtain proposals for the demolition work of the Ski Shop Property referred to on the tax map as Block 606 Lot 29. Seconded by Mr. Snyder.

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Mr. Kilduff commented this resolution goes hand and hand with [the next item #16] which is authorizing for the environmental asbestos report. He would like to make it clear the environmental asbestos report is a prelude to going to bid, we have to do this first because anyone who is bidding on the demo for the property would not know what they are bidding on if there was asbestos to be removed. We need the asbestos report first and use that for preparation for the bids.

Mr. Ursin commented if the Council wanted you can consider 15 and 16 together since you can't do one without the other.

Resolution 2014-69 Environmental/Asbestos Report

Mr. Giordano made a motion to adopt resolution 2014-69 to approve undertaking an Environmental/Asbestos report for 429 Route 23, (Block 606, Lot 29); the report to be prepared by ABS Environmental Services L.L.C. not to exceed \$1,600.00 as per the recommendation of the Borough Engineer's letter dated August 8, 2014. Seconded by Mr. Snyder

There was a discussion on the report.

Upon roll call vote for resolutions 2014-68 and 2014-69:

Ayes: Limon, Martinez, Snyder, Zschack, Babcock

Nays: Giordano Absent: None Abstentions: None

Passaic County Energy Cooperative Bid for Natural Gas

Mr. Giordano made a motion to authorize the Administrator to participate in Passaic County Energy Cooperative's bidding for retail supplier of natural gas to Borough Hall, commencing February, 2015, at the conclusion of the Borough's current contract with Metromedia Gas Service." Seconded by Mr. Limon.

There was a discussion regarding this motion, the Passaic County Energy Coop, Metromedia, natural gas price, once you sign documents you are committed, on whether or not to table this, get rates from both before we decide

Mr. Zschack made a motion to table the previous motion until the next meeting. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Ursin stated this is not an issue of a third party gas supplier, the issue brought up by Mr. Durina had to do this consumer third party energy provider. As a municipality you are getting third party energy provider either way. Metromedia is a third party provider and the COOP is a third party.

Discussion on Proposed Closure of Water Department Buildings

At this time there was a discussion regarding the DPW Managers report concerning proposed closure of the Water Department Buildings along Franklin Ave.

Mr. Kilduff gave a background of the previous Council who's intention was to eventually close the water department buildings, Mr. Zschack had asked for a report to be prepared in six months. Which Mr. Kilduff [Administrator] delegated to Mr. Vandenbroek [DPW Manager].

Referring to Mr. Vandenbroek report dated August 5, 2014 the Council discussed the proposed closure of the Water Department Buildings.

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There was a discussion on costs to build on the road department building to house the additional equipment, this is needed to know to make a decision, space being lost, cost to close the pump station, expenses in moving an operation, computers being moved and is the situation working as it is now.

Mr. Giordano suggested maybe to draw up a long term plan to combine the two buildings but as a Capital project at this point it is not going to prove anything.

Mr. Zschack commented an X amount of years ago when this was first discussed he was for the consolidation of the two buildings but reading the report from Mr. Vandenbroek, understanding that there is going to be a cost to put an addition on the current building and not sure of an amount it could possibly be. Mr. Zschack stated he doesn't think it's worth it at this point even pursuing this anymore. Could it be looked at in the future by future Council's, sure.

Mr. Snyder commented he is happy with the two garages. He has no problem with the operation.

Developers agreement Eden Properties (Walgreens)

At this time there was a discussion regarding the developers agreement for Eden Properties. (Walgreens)

Mr. Kilduff commented Mr. Ursin has advised us he has a conflict in this matter. He had started working on this, then the developer agreement project was turned over to the Board Attorney, David Brady. Mr. Kilduff commented Mr. Brady worked hard and was able to complete it but not until 5:00 tonight. Therefore we could not get a clean copy to the Council tonight for action this will be on the next meeting agenda.

Mr. Ursin commented one of his partners gave environmental advise on another property in Bergen County since that issue was out there they decided it would be better for the Land Use Attorney David Brady to negotiate and finish drafting the developers agreement.

ADDENDUM

Agenda Item #12 revised: Resolution 2014-71 Shared Service Agreement with Sussex County

Mr. Giordano made a motion to adopt resolution 2014-71 approving Shared Service Agreement with Sussex County for resurfacing of portions of Junction and Fowler Street and County contribution for a sidewalk extension at the southeast end of the E-07 Bridge. Seconded by Mr. Zschack.

Mr. Snyder asked if anything was going to be done in the distance between Junction and Susquehanna to Main Street. Maybe we should continue, go on and do Junction Street, now we are going to have a road that is going to be great all the way down to the Viaduct and a terrible road going up from where they leave off to Main Street.

Mr. Kilduff commented originally the County was only going to pave the section of Junction Street from the railroad tracks up to Fowler Street. Mr. Kilduff stated he had a meeting with them [the County] and persuaded them that really in fairness to people on Susquehanna to complete the project they should provide an all new surface to the bridge. They are coming up Junction from the Railroad Track and going down Fowler Street right to the bridge. The Fowler Street section is more involved it has to be milled as well as paved where as Junction [is over] the existing pavement. The other thing he was able to do was get them [the County] to agree to the sidewalk, none of which they offered initially. The section of Junction up to Main

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Street and across Main Street is not connected to the bridge, the tie in was for the bridge. This is scheduled in the plan.

Mr. Zschack asked if that section could be moved up.

Mr. Snyder referred to a copy of the 11 year plan and commented we are looking at 2017.

Mr. Zschack commented Mr. Kilduff did a great job on getting the County to do a lot of extra work in that area, the point is we put money aside for paving in the Borough could we just change that to bump this street up to get down quicker.

Mr. Snyder commented we are getting something we didn't know at that time [of the 11 year plan] we might have to consider changing it. It makes no sense leaving it for 3 years.

Mr. Kilduff will check into what the cost would be. This is excepting what the County has to offer.

Mr. Limon commented you will investigate the additional cost.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-70 Purchase of Dell Computers

Mr. Giordano made a motion to adopt resolution 2014-70 authorizing the purchase of Dell Computers in the amount of \$2,548.82. Seconded by Mr. Zschack.

Monica Miebach, CFO explained why dell computers and which office was getting the new computers and why.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Snyder commented on Arby's going out of business.

Mr. Kilduff stated he spoke to the owner, he does have somebody lined up but preferred not to make that public since they hadn't signed a contract yet.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:44p.m., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk