

**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
September 9, 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. Giordano, Mr. Limon, Mr. Martinez, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Babcock

Mayor Crowley led the assembly in the flag salute.

Mayor Crowley stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

COMMITTEE REPORTS

Mr. Limon requested an executive session for personnel and update on contract and negotiations. There are several items we are voting on from personnel.

Mr. Giordano reported EDC has a meeting on Thursday, it is on the Borough calendar, Recreations has a meeting a week from Wednesday and Planning Board is having a meeting next Monday.

Mr. Snyder reported he will be meeting with the CFO regarding finance.

Mr. Zschack had nothing to report.

Mr. Martinez had nothing to report.

Mr. Ursin 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

Paving of Junction Street from Fowler to Main Street has been explored with the County. During inspections of this section of roadway it was determined substantial drainage improvements are needed. These improvements should be installed prior to paving. It is recommended the drainage improvements which include piping, new inlets, sidewalk and curbing be completed first to avoid tearing up new pavement. The engineer has been asked to provide an estimate of probable cost for these improvements.

Bids for the High Street NJDOT grant project will be sent out September 18th for a bid opening on October 9th and award on the 14th.

Water tank inspection quotes are being received by the Engineer. It is anticipated the cost will run approximately \$4K for each of the 4 Borough water tanks (\$16,000 total). Detailed quotes for each tank will include an assessment of the tank condition and estimate for refurbishing.

A plan is being prepared for repairs to the Evans Street roadway at Main Street. Repairs include paving and sloped bank on the edge of the road.

The Borough Engineer advises recently completed camera inspections revealed the necessity of replacing the sewer line along McCann and John Wilton Streets. Significant separation and settlement allowing for groundwater intrusion requires these pipes be dug up and replaced. The project will need to be bid due to the depth of the sewer lines.

Asbestos inspection and sampling for the Dobolen "Ski Shop" property on Rt. 23 was conducted on August 29th. A full report is expected on or about September 12th.

Financial Control/Legal Issues

The County advises an error was made in the County Tax Board's calculations for the 2014 Health and Library Tax Levies. The overcharge will result in a credit of approximately \$30,000 to be applied to next year's county tax levy.

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On August 22, 2014, the administrator and CFO met with representatives of Concord Engineering to discuss the Passaic County Energy Cooperative (PCEC) programs for residential energy aggregation and municipal natural gas supplier to the Borough. The natural gas program is for Borough Hall only while the aggregation program is for Franklin residents.

The Administrator and Chief Financial Officer met with representatives from Aflac to discuss supplemental insurance programs for employees. These programs are 100% employee contributory, offering supplemental disability insurance on a voluntary basis at no cost to the town. A resolution approving the program will be forthcoming.

Operational/Personnel Matters

Appointment of a new Police Officer, David Schneider is on tonight's agenda. Patrolman Schneider, a Sussex County resident, is very familiar with Franklin Borough. We welcome David to the Franklin Borough Police Department. With tonight's appointment the Police Department will have 12 active members including the Chief. Another officer, injured in the line of duty, remains out of work. A conditional offer of employment for a second new police officer is on tonight's agenda.

Hardyston Construction Official Keith Utter has retired after many years of service. Keith oversaw construction of many Franklin projects; we wish him well in retirement. Joe Butto, a 9 year veteran of the Hardyston construction office will take over as new Construction Official for Franklin Borough. Patrick Stefanelli will join Hardyston's Construction Department as the new sub-code official.

The Administrator met with members of the Sparta Township Ambulance Squad for a 6 month review of the shared service agreement with Franklin and Hardyston for weekday coverage from 6AM to 6PM. The program so far was described as "break even" as it does not factor in the cost of new equipment (about \$180,000 for a new ambulance). Some cost sharing may be considered in future. Also Sparta encouraged Franklin and Hardyston to continue looking at their own options. Sparta is looking for a winter garage for its rig.

Land Use Matters

Approval of a new part-time land use secretary, Karen Osellame is on tonight's agenda. We welcome Ms. Osellame to Franklin Borough.

Site construction is underway for the new STS Tire and Auto Zone stores, located on Route 23 South.

Eden Properties is proceeding with its plans to commence construction of a new Walgreen's Pharmacy on Rt. 23S. The Developer's Agreement is on tonight's agenda.

A meeting was held on August 25th with representatives of MRAN Co., the developer of a proposed new Taco Bell project adjacent to Dunkin Donuts. Following a discussion of site plan issues, Engineers are working on revised circulation plans. The application hearing is expected to commence at the next Zoning Board meeting on October 1, 2014.

Burger King has applied to the Zoning Board of Adjustment for variances to accommodate additional signage.

Long-term and Capital Projects

Bond monies have been secured and the Borough is now in a position to accelerate its road paving program for years 2013-2016. A meeting is planned with the Borough Engineer to formulate an advanced work schedule. The plan schedule calls for paving projects on Scott, Davis, Cork Hill, Wildcat, Maple and Green Streets through 2016.

NJDOT Local Aide Grant applications have been announced for 2015. Recommendations from the Borough Engineer will be presented to the Council for selection at the next meeting. Generally, NJDOT looks for projects in the \$200K range.

Revised bids for the Fire house natural gas conversion project are expected to be sent out September 18th for bid opening on October 9th and award of bid on October 14th.

Miscellaneous

O.E.M. Coordinator Jim Williams has obtained from the County's Emergency Management Office a loan of 4 JCP&L owned generators to supply residences with electrical power in the event of an emergency. Thanks to Jim for his work in securing the generators and implementing a procedure for using the generators which will be available on a priority basis for emergencies.

An Executive Session is requested for Personnel and Contracts.

Mr. Snyder asked in regards to the paving Junction Street how long will this delay us to look into that project.

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Mr. Kilduff commented we have to go to bid for the drainage portion of the project, it is fairly complex and will be expensive.

Mr. Snyder asked how long for the engineer.

Mr. Kilduff commented he [the engineer] has worked up numbers we can go to bid, retain a contractor and get the work done. Mr. Kilduff stated he is concerned about the money end, this was not something we figured on, so the expense will be up to the Council.

Mr. Snyder commented he doesn't want it delayed or forgotten about for three years. We might have to reline our 11 year plan. It will be up to the Council to decide what we are going to do with that.

Mr. Kilduff commented the paving is on the schedule, even if we don't do it now but the drainage represents a new problem.

Mr. Snyder stated to let the audience know, it's David Schneider not Snyder for the new patrolman there are no more conflicts of interest than he has already.

Mayor Crowley commented Shop Rite of Franklin is doing Partners in Caring for National Hunger Action month. This is to help people with hunger. He was invited down there Tuesday, September 16, 10:00 to 12:00, and will be bagging groceries. Mayor Crowley commented there has been talk about the tuition problems at Vo Tech brought up by Bob Walker from Walkill Valley. He talked to Mr. Walker, he will also contact the Freeholders, there is a letter in the packets from the superintendent of VoTech who will be speaking at the League Dinner. This is not a simple equation, he will get more information to bring back to the Council whether to support this one way or another or just stay out of this.

Mayor Crowley commented on the paving of roads, several people in town want to know if their road can be pushed up to the top of the list. He would hope the Council leaves the scheduling to the engineers not by who can complain the most or who has the most influence. The engineers are the people that are knowledgeable about this and the Council shouldn't try to get involved with changing specifically the schedule.

Mayor Crowley commented on a rumor regarding Sussex Electric and Water and Sewer Departments.

Mayor Crowley commented the CFO has mentioned she may have to impose a spending freeze. Mr. Snyder will be meeting with the CFO to discuss the financial situation.

Mayor Crowley stated October is breast cancer awareness month; he hopes the Girl Scouts will be able to help with the ribbons again as they have done in the past.

OPEN PUBLIC SESSION

Mr. Zschack made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Snyder. All were in favor.

Bob Dabinett, Corkhill Road, Franklin, stepped forward. Mr. Dabinett asked about the road paving project. In June money was bonded to pave the roads, in July Corkhill Road was partially paved and questioned why we are not paving more roads between now and the time the asphalt plants close in November. Mr. Dabinett referenced a memo from the Administrator last year.

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Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Ms. Heath commented on the appointment of a land use secretary, 29 hours per week, this person is not entitled to health benefits but are they entitled to any Holidays.

Mayor Crowley commented no, they don't get any benefits as a part timer.

Rachel Heath commented two years was spent training a secretary for the person to leave; she would think it is because there is absolutely no benefits. Mrs. Heath questioned the amount of pay for the crossing guard, there was no amount on the agenda. Mrs. Heath asked about the 80 feet of sidewalk by the Littell Bridge that she read in the paper. Mayor Crowley explained. Mrs. Heath also asked about the Consultant for the Right to Know Survey. Mrs. Heath commented at the end of Washington Ave they closed off the road and put those breakable [blockers] and people drive over them. This evening she was very disheartened to see a vehicle come over it that she knows should not have come over it. Mrs. Heath commented she will address the right people. This is a total disregard for safety.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina referred to the agenda and asked if items 4, 5, and 12 will be open for the public. Mr. Durina commented on a grant received by Stanhope for their Fire Department for face mask and protection of the Fire Fighters. Ogdensburg did a nice project on Main Street. When was the last time Franklin received a grant like that.

Mayor Crowley commented we [the Borough] has had grants in the past; most of these are generated by their departments, the Fire Department has to generate the information themselves and so far they have not been able to get a grant.

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. Martinez. All were in favor.

CONSENT AGENDA

Mayor Crowley requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 7, 2014 from John Giordano, Assistant Commissioner NJDEP to Brian Vandenbroek, Re: Franklin Board of Public Works.
2. Letter dated August 28, 2014 from Maureen R. Donnelly, Land Use Administrator, Sparta to Franklin Borough Clerk Re: Public Hearing for an Amendment to the Township Master Plan to adopt the Highlands Preservation Area Master Plan Element.
3. Letter dated August 12, 2014 from Monica B. Miebach, CFO/QPA to Jim Kilduff, Mayor and Council Re: Bond Anticipation Notes.
4. Letter dated August 13, 2014 from James C. Kilduff, Administrator to David Schneider Re: Police Officer Conditional Employment Offer.
5. Letter dated August 20, 2014 from Melissa Rockwell, County Tax Administrator, County Board of Taxation to Mayor Paul Crowley.
6. Email dated August 20, 2014 from John Eskilson, Sussex County Administrator.
7. Letter from Augustus Modla, Superintendent/Principal, Sussex County Technical School Re: Statement Regarding Sussex County Technical School Tuition.
8. Letter dated August 26, 2014 from James C. Kilduff, Administrator to Caroline Conboy, Statewide Insurance Fund.
9. Memo dated August 29, 2014 from J. Kilduff, Administrator to Mayor and Council Re: Sparta Township/WVFAS Shared Service.

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10. Letter dated September 2, 2014 from Sussex County Department of Environmental and Public Health Services to Mayor, Municipal Clerk and Council Members Re: Tie a Ribbon Campaign October Breast Cancer Awareness Month.
11. Letter dated September 3, 2014, from James C. Kilduff, to Ms. Hannah Lozaw, President Franklin Band Re: Franklin Band/Franklin Borough Lease Agreement.
12. Sandyston Township Resolution 57-2014 Opposing Expansion of Federal Control Under Clean Water Act.
13. Township of Sandyston Proclamation on behalf of Fibrodysplasia Ossificans Progressiva.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Health Department Report for June, 2014.
2. Health Department Report for July, 2014.
3. Construction Permit Activity Report July, 2014.
4. Municipal Court Report for July, 2014.
5. Tax Department Report for August, 2014.
6. COH Report for August, 2014.
7. Construction Report for August, 2014.
8. Zoning Officers Report for August, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of Senior Citizens Center by Franklin Boy Scouts Troop 90 on Monday nights from 7:00 PM to 8:30 PM from September, 2014 to July, 2015.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 9, 2014.

Mr. Limon made a motion to approve the consent agenda of September 9, 2014. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

OLD BUSINESS

Status of Negotiations with the Police Chief.

Mayor Crowley commented Mr. Limon you want to bring that into executive session.

Mr. Limon stated he wants to update everybody on the negotiations.

NEW BUSINESS

Mayor Crowley stated he is going to change the agenda around and go to item#12 the developers agreement. Mayor Crowley stated David Brady, Esq. is here tonight who is the attorney for the Land Use Boards and can answer any questions about the Developers Agreement. Mayor Crowley asked for a motion and a second on the Developers Agreement then we can have a discussion.

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Developer's Agreement for Eden Franklin LLC.

Mr. Limon made a motion to approve the developer's agreement between Eden Franklin LLC. and the Borough of Franklin. Seconded by Mr. Zschack.

Mayor Crowley commented most of the agreement was passed by the Zoning Board; the developers agreement is the agreement that actually puts it into affect.

David Brady, Esq. for the Planning and Zoning Board, commented his firm drafted this because Mr. Ursin had a conflict of interest with this. Mr. Brady stated he took Mr. Ursin' standard form, there were three resolutions with a lot of conditions, this is a basic standard form, as the Mayor said it effectuates contractual arrangement between the developer and the Borough. It protects the Borough, such as bonding, insurance coverage, some conditions in regards to when constructions starts, what has to be done during construction, what happens in the event they don't complete construction in two years, things of this nature. This is basically a standard form used in every site plan. There isn't anything particularly unusual here, but since it didn't come out of Mr. Ursin' office and since it was lengthy he was asked to come up [to the meeting] in case there were any questions.

Mayor Crowley asked the Council if they had any questions.

Mr. Zschack made a motion to open to the public discussion on Eden Properties Developers Agreement. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack,

Nays: Giordano Absent: Babcock Abstentions: None

Mr. Dabinett, Corkhill Road, stepped forward. Mr. Dabinett commented you have a motion and a second on the floor, how can you entertain a second motion according to Roberts Rules of parliamentary procedure. You have a motion and a second you have to vote on it you can't bring up another motion while that motion is open.

Mr. Ursin stated that is incorrect. Mr. Ursin explained every single ordinance that this Council ever passes the motion to pass the ordinance for the second reading introduction is always with a motion and a second; and then a motion to the public is presented, always.

Mr. Dabinett commented that is in accordance with Roberts Rules of parliamentary procedure.

Mr. Ursin commented it happens almost every Council meeting here and every Council meeting everywhere else.

Mr. Dabinett commented he stands corrected.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented obviously the Council did not read this form [developers agreement] not to have one question on it. Mr. Durina commented there are so many yellow flags sticking out of this packet, he picked this up to review as far as he is concerned Walgreens is over as far as him being an objector. Mr. Durina had reviewed the agreement and questioned a number of items in the document one by one.

Mr. Brady stated the last several items were read from the memorializing resolution of the Borough of Adjustment.

Mr. Durina commented it is part of the packet.

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Mr. Brady stated it is the exhibits, it is an exhibit to the developers agreement, that is not part of the developers agreement the Board [Council] is considering tonight other than that is an exhibit to that agreement. That is the resolution that was adopted by the Board of Adjustment at the time of the hearings. Mr. Brady stated the portions that Mr. Durina were reading were not the findings but the recitations of what testimony was given.

Mr. Durina stated he would agree to that.

Mr. Brady commented he wanted to put it in the right context.

Mr. Durina commented it is in the packet and what these individuals should have been reading and commenting on tonight. That is part of the packet, why is it attached.

Mr. Brady commented it is attached because there are [many] conditions in this resolution, this is not your typical resolution with just a handful of standard conditions. Mr. Brady commented the one Mr. Durina was reading from was actually the denial of the drive thru by the Board of Adjustment. That has very few conditions. Mr. Brady commented the other two exhibits are the site plan by the Board of Adjustment which has 29 conditions and there is also an exhibit of the grant of the drive thru by the Planning Board which has 34 conditions. So they are attached to the exhibit because they are conditions that by being attached are made part of the requirements that the applicant has to meet in complying with the developers agreement. They are attached for that propose only; it says right in the developers agreement all the terms and conditions of those approvals are made part of this developers agreement. That is why they were attached; for the conditions not to recitations of what the testimony was, which was what Mr. Durina had been citing.

Mr. Brady said what he is saying the Council would be voting on the developers agreement, the developers agreement references those resolutions because they contain conditions that become part of the developers agreement. It does not reference those resolutions for the purpose of adopting the recitations of testimony or factual history. To some degree you are reading what the testimony was which is irrelevant to the Council's decision making tonight because they are not adopting that as fact they are merely adopting a developers agreement that incorporates the conditions.

Mr. Durina commented yes sir, and he was amazed that it was attached to it and he is amazed that nobody questioned it beside him. The fact it should never be attached to it because these are things we beat up you [Zoning Board] and their wisdom, as far as he is concerned this was defeated but rules were changed right in front of his eyes when the super majority was taken also. He picked this [the developers agreement] up and looked at this because he just didn't want to be fooled one more time; he was fooled once shame on him, he didn't want to be fooled, or the Council, or the residents of Franklin to be fooled just tell us what we are going to get and make sure it is done right.

No one else present wished to address the Council Mayor Crowley closed to the public discussion regarding the Eden Properties Developers Agreement.

Mr. Giordano asked how do construction vehicles drive through the residential area.

Mayor Crowley commented he didn't think this was part of the developers agreement there are ordinances and if there is a problem the police will take care of it.

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There was a discussion regarding the circulation, circulation on the Highway and traffic being a police matter.

Mr. Ursin asked Mr. Brady, on the site plan is the entrance on Route 23.

Mr. Brady commented his recollection, yes.

Mayor Crowley added and Washington.

Mr. Ursin commented you can certainly ask your approval of the developers agreement conditioned upon construction vehicles parking on site and access to the site using the access set forth in the site plan.

Mr. Brady commented it would be easy to put that sort of condition right in [the developers agreement].

Mr. Giordano commented that would be the best course of action; a lot of people have children that would be out waiting for a school bus.

Mayor Crowley commented he finds it hard to believe that any construction vehicle is going to leave Route 23 to go through a residential neighborhood.

Mr. Giordano made a motion to amend the agreement to include the verbiage restricting ingress and egress from the site to the entrance.

Mr. Ursin commented the entrance that is set forth on the site plan.

Seconded by Mr. Zschack.

Mr. Ursin stated this is a motion to amend the original motion to include this additional condition as part of the approval of the developers agreement. Right now you are voting on the amendment.

Upon roll call vote on the amendment:

Ayes: Martinez, Snyder, Zschack, Giordano

Nays: Limon Absent: Babcock Abstentions: None

Upon roll call vote on the original motion:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for August 12, 2014. (Absent: Mayor Crowley) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

Appointment of Police of Officer

Mr. Snyder made a motion to appoint David Schneider to the Franklin Borough Police Department at the starting step of \$43,839 per police contract. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: Snyder

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Passaic County Energy Cooperative Bid for Natural Gas (tabled from 8-12-14)

Mr. Snyder 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.

Mr. Martinez questioned Metromedia Contract is until February 2015, however the contract we are looking at states it is going to start December, 2014, there is an overlap. If you go that route is there a termination fee that we are going to be paying.

Mr. Kilduff commented we will be putting a sentence in "Franklin Borough's participation will began at the end of their existing agreement with Metromedia energy which expires January 31, 2015". That sentence will go into the agreement so that will be very clear that we are not starting until our current contract expires January 31. If the Council proceeds with this it will start February 1. 2015.

Mr. Kilduff explained the pricing for this, the savings and rates.

There was a discussion on the agreement.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

Mayor Crowley stated number four and five are discussions regarding the Energy Aggregation Program and outreach of the aggregation program.

Mr. Kilduff commented this is on because last November this Council approved an ordinance to go in with Passaic County and the energy aggregate program. The energy aggregate program is designed to provide for our residents reduced costs for their electricity. At the time we passed the [ordinance] there was concern from a number of residents that the third party type programs are something to be avoided. The energy aggregate program is a Government program which was started as a response to third party programs. The Government instituted the program and it is operated in conjunction with the Board of Public Utilities. They will be going to bid shortly, there is an outreach program that we have to do; his recommendation to the public if you have a concern about the program and not convinced this is the thing for you than simply opt out. There are three ways you can OPT out, by letter, on line or call the toll free number. No residents needs to participate in the program if they don't wish to. The rest of us who stay in the program will hopefully get very favorable pricing on third party energy cost for electricity. The billing will be the same as always, you will get a bill from JCP &L, one bill, you will pay JCP &L just as you always do, the reduced pricing for the third party supplier is included in the billing. There are a number of towns in Sussex County that have joined in the program, Hardyston, Stanhope, Stillwater, Andover Borough, Fredon, Franklin and Sparta is interested in doing the program. There are many other big towns that are participating, Dover, Linden, Union City, Little Falls, Passaic, Wayne, Linden Park, Paterson, Totowa and Wharton are all coming into the program. This will create a huge pool that hopefully when they go to bid result in some very favorable pricing for third party electric.

Mr. Kilduff commented we are also planning on having an outreach program and will be scheduling that shortly. Where people will be able to come and meet with professionals, to answer any questions they may have about the program. Mr.

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Kilduff stated again he points out no residential taxpayers have to be a part of this program, nobody is being forced to be in the program and they can leave at any time without any penalty.

John Dunn and Wendy Molnar from Concord Engineering, stepped forward.

Wendy Molnar commented we hope to go out and bid in November, we are watching the prices daily. Mrs. Molnar commented Mr. Kilduff did a great job explaining it. The public outreach we will meet with the Seniors. Mr. Dunn will show you an interactive public outreach tool we will use.

Mr. Dunn commented he has done outreach in other towns, we focus on where the Council members and Mayor would like us to go. That focus in other towns where we have been the main focus has been on the Seniors. The Seniors are the ones that want to understand it the most, change is hard. They feel they are leaving JCP&L and he can't stress enough they stay with JCP&L, they get billed from JCP&L, it is just the supplier portion which is the generation of electricity is where the savings are. As far as the outreach we will go where ever you want us to go. If anyone does opt out people can opt back in and there are no fees. The way it was written at the State you can opt out any time no fees, you can opt back in it is all based on meter reading.

The Council asked Mr. Dunn and Mrs. Molnar questions regarding the energy aggregation program and the public outreach.

Mayor Crowley commented at this point there is no action to be taken, we passed an ordinance.

Mr. Kilduff commented when the bids come in we can decided whether or not to proceed.

Mr. Dunn commented right.

There was a discussion on the time it would take to opt in or out, where to have an outreach program, numbers of town involved and when the rate comparison would take place.

Mayor Crowley commented the next step will be informational meetings. We will set up times for public meetings and if the JCP&L rate dropped below the supplier.

Conditional Offer of Employment

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

Mayor Crowley explained the need for additional police officers. Mayor Crowley commented he thinks we should strongly consider a 14th person so we don't run into this overtime.

Mayor Crowley commented he will come back to you with the other recommendation for a third officer.

Upon roll call vote:

Ayes: Limon, Martinez, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: Snyder

Land Use Secretary Appointment

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Mr. Zschack made a motion to hire Karen Osellame to fill the vacant part time position of Land Use Secretary, 29 hours per week at \$12.50 per hour. Mrs. Osellame to receive a \$.50 hour increase upon satisfactory performance review after 6 months. Seconded by Mr. Limon.

Upon roll call vote:

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

Appointment of Crossing Guard

Mr. Zschack made a motion to hire Ann Grabkowski as substitute crossing guard as recommended by Lynn Warr Prtorich, Head Crossing Guard. Seconded by Mr. Limon.

Upon roll call vote:

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

Resolution 2014-72 Tax Refund for Block 2101 Lot 20

Mr. Zschack made a motion to adopt resolution 2014-72 authorizing the tax collector to refund \$4,127.46 to New Jersey Housing & Mortgage Finance Agency for the first and second quarter and to cancel the third and fourth quarter taxes for Block 2101 Lot 20, 246 Wildcat Road, owned by the New Jersey Housing & Mortgage Finance Agency due to acknowledgement of tax exempt status. Seconded by Mr. Giordano.

There was a discussion on the resolution.

Upon roll call vote:

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

Resolution 2014-73 Renewal of 2014-2014 Liquor License

Mr. Zschack made a motion to adopt resolution 2014-73 authorizing the Borough Clerk to Renew the liquor License 1906-33-005-008 Franklin Silver Ducat II LLC and license 1906-44-006-005 MINDIP LLC. for the 2014-2015 licensing term. Seconded by Mr. Snyder.

Upon roll call vote:

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

Mayor's Appointment for various Boards

Mr. Zschack made a motion to confirm the Mayor's appointments as follows. Seconded by Mr. Limon.

Zoning Board

Member	Glenn Soules
Alternate #1	Floy Estes
Alternate #2	Stephen Skellenger

Economic Development Committee

Member	Dawn Fantasia
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Board of Recreation

Member	Silvana Dureny
Member	Russell Bronstein
Alt#1	Stephen Skellenger

**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
September 9, 2014**

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

Right to Know Services

Mr. Zschack made a motion to approve the proposal for Right to Know Services from Karl & Associates Inc. in the amount of \$2,900. Seconded by Mr. Limon.

Mr. Zschack commented he had asked about this at the last meeting. The amount that came in was a lot higher than he anticipated, he thought it would be under \$1,000 to do this type of a survey. He was also concerned with in the survey [proposal] it states they won't go into any locked room, he is concerned if they pass a room that is locked would they not worry about what is in there.

Mr. Zschack commented he personally doesn't back this at this cost.

Mr. Kilduff commented this is the same company the Franklin Elementary School has used for years, he contacted them and they came up to visit with the DPW manager to get some sense as to what was involved. If nothing else this tells the Council the right to know survey is fairly complicated, especially this being the fifth year where a full survey is required and a lot of work to be done. This is the only price he has for the Council tonight.

There was a discussion on right to know and the proposal.

Upon roll call vote:

Ayes: None

Nays: Limon, Martinez, Snyder, Zschack, Giordano

Absent: Babcock Abstentions: None

Discussion Towing Fees

At this time there was a discussion regarding updating towing fees.

Mr. Kilduff commented he referred this to Mr. Ursin to draft an ordinance as to where we [the Borough] should be. Mr. Kilduff showed this to the Chief and he was comfortable with these numbers. This is presented tonight as a discussion item if the Council wants to move forward with this or do more work on the numbers we can do that prior to introducing the ordinance. The idea is the towing fee ordinance have not been addressed in some time.

Mr. Limon asked why do we have to address it just because it hasn't been addressed in a long time. Why can't we leave it as it was.

Mr. Ursin stated that is your prerogative. The reason this came about the police department did a comparison to three other towns to try and see where the towing rates were going. Their towing rates were higher and Franklin towing ordinance hasn't been updated in 10 or 12 years. The increases are modest not huge, It is the Council prerogative to leave it alone or to update it. It has been a long time and they are not big increases.

There was a discussion on the draft towing ordinance.

Mayor Crowley commented let's look into this further.

EXECUTIVE SESSION

**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
September 9, 2014**

Mr. Ursin stated to be specific there is a personnel disciplinary matter, DPW contract to be discussed, a status update on the Police chief contract and a discussion on the FOP contract.

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Zschack, Giordano

Nays: None Absent: Babcock Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:20 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley passed out newspaper articles regarding the hard time getting [Fire Fighter] volunteers.

Mayor Crowley commented to the Council members to be careful of conflicts even when you abstain from the voting you can still have conflicts.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 10:22p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk