

**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 23, 2014**

Mayor Crowley called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Babcock, Mr. Giordano, Mr. Limon, Mr. Martinez and Mayor Crowley.

Absent: Mr. Snyder, Mr. Zschack

Mayor Crowley led the assembly in the flag salute.

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

PRESENTATIONS

At this time Robin Hough, Borough Clerk administered the Oath of Allegiance for Police Officer David Schneider.

Mayor Crowley asked Officer Schneider to introduce his family.

Officer Schneider introduced his father, Mark Schneider, wife Ashley Schneider, and his two children.

Mayor Crowley wished Officer Schneider the best of luck, we are really happy you have applied and accepted employment.

Chief McInerney wished Officer Schneider the best of luck, he is an outstanding individual, human being and he thinks he[Officer Schneider] is going to do great.

COMMITTEE REPORTS

Mr. Limon commented Officer Korger from Franklin Police Department, plays an awesome job on the bag pipes. Mr. Limon reported we have a real good update of the Police Chief's contract, Council Babcock and the Mayor will be meeting with his [Chief's] representatives and we will come to a resolution quickly for Eugene McInerney.

Mr. Giordano reported recreation has a meeting tomorrow. There are two new members, this may be Mr. Martinez's last meeting, recreation will have to choose a new chairman. Planning Board met last Monday we will discuss the Master Plan later on the agenda.

Mr. Babcock had nothing to report.

Mr. Martinez had nothing to report.

Mr. Ursin, Esq. had nothing to report.

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

Borough Sites and Street Issues

Bid specifications for the High Street paving and sidewalk project have been sent to Trenton for review. Since this is a local aide project, the NJDOT must review the specifications.

Borough engineers are working on another paving project before winter sets in. The project will include the first phase of Davis Road, commencing at N. Church Rd. The engineer has met with Tilcon, the Co-op contractor, to review the Borough's plans and confirm placement on the fall paving schedule. The remaining phase and all other projects scheduled for completion by 2016 will be planned for spring paving. By going to bid for collective paving projects, the Borough should be able to achieve best pricing for resurfacing.

The engineer has been asked to look into improving the sharp bend condition on Wildcat Road south of Maple Road.

**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 23, 2014**

The County has proposed very favorable pricing for paving of Junction Street from Fowler to Main Street. The price is below what the Borough could achieve through co-operative pricing and the Council is asked to consider this project on tonight's agenda.

Financial Control/Legal Issues

The Finance & Budget Chairman Snyder met with the Administrator and CFO to review current budget year figures and begin pre-planning for the 2015 budget. The CFO will begin meeting with department heads to review 2015 capital projects. A preliminary budget committee meeting is being planned for October.

After multiple attempts to resolve contract issues with little progress, the DPW has agreed to file a notice of impasse. The notice clears the way for mediation and resolution of the DPW contract.

Litigation against the Franklin Zoning Board of Adjustment by DFS Partners, LLC, owners of the Franklin Shell Station has been *dismissed with prejudice*. The Shell station owners filed suit against the Zoning Board and developer (CM Franklin) as a result of an approval to construct an STS and Auto Zone store next to the Shell station.

Operational/Personnel Matters

Tonight we welcome David Schneider as the newest member of the Franklin Police Department. Patrolman Schneider comes to the Borough from the Glen Ridge Police department. He is a native of Sussex County and is familiar with Franklin Borough. We look forward to having the benefit of Officer Schneider's contributions to public safety for Franklin residents.

After 15 years of volunteer work as an EMT for the WVFAS, Mr. Terry Gallagher has resigned as Captain and squad member. Mr. Gallagher's volunteerism and commitment to the Borough has been extraordinary. We will miss Terry and wish him well. On September 16th, the WVFAS elected Melanie Portello as their new Captain. We wish Melanie good luck as she assumes her new responsibilities as Squad Captain.

Former Councilman Steve Sluka has volunteered to assist the Borough in the completion of Right To Know (RTK) surveys and reporting. Mr. Sluka's professional expertise and experience in RTK compliance is much appreciated and a great asset to the Borough.

At the request of the Administrator an inventory of DPW vehicles has been completed. The combined water/sewer/road fleet includes a total of 13 trucks. The fleet is well maintained. Four (4) of the trucks have odometer readings of 20K or less miles; 7 trucks are under 31K miles; 2 vehicles have over 100K miles on the odometer. The DPW Manager would like to replace these 2 higher mileage pickup trucks over the next two years. The Council should consider optimal fleet size and replacement scheduling of fleet trucks.

The WVFAS's 1997 ambulance is not being used. To date there has been no expressed interest in this vehicle for Franklin Fire Department or DPW use.

Land Use Matters

MRAN Co.'s application for a new Taco Bell restaurant is scheduled for completeness and possible hearing before the Zoning Board of Adjustment on October 1st.

Franklin Restaurant (Burger King) has filed a zoning board application relating to signage.

The foundation for the new Auto Zone is under construction. STS is expected to commence shortly.

Eden Properties has taken title to the Elekes property and is moving toward commencement of construction for a new Walgreens pharmacy.

Long-term and Capital Projects

Notice to Bidders for the Boiler Replacement project at the Franklin Firehouse was published on September 19th. Bids will be opened and read on October 9th, 10AM at Borough Hall.

The sanitary sewer camera inspection report for the Mitchell, McCann, Rutherford Avenue zone was expected today. The next step is preparation of bid specifications for the necessary sanitary repair work.

Miscellaneous

Information sessions to introduce the Borough's new energy aggregate program are scheduled for September 30th, 10:30AM at the Senior Center and 6 to 8PM at Borough Hall. It was erroneously reported in the New Jersey Herald that September 23rd is the date for the two information sessions.

October 10, 2014 has been designated as "Put the Brakes on Fatalities Day" The Franklin Police will be part of a nationwide effort to increase safe driver awareness and to keep New Jersey roads free of fatalities. Last year 542 individuals lost their lives in New Jersey motor vehicle related accidents.

The 58th annual Mineral Show will be held this weekend at the Franklin Elementary School. The show will run from 9AM to 5PM on Saturday and 10AM to 4PM on Sunday.

Executive Session

An executive session is requested for contracts.

Mayor Crowley reported over the last couple of weeks he has been contacted about problems with bears. The state DEP have called him regarding complaints that have gone to him from bears in the Borough. Most of the problems are from people putting out their garbage to early, not contained right and this is attracting the bears. There is a big problem on Main Street and with the tragedy the other day in a park where there was a fatality this brings this to light and we need to make sure garbage is tied up, secured in the cans and not put out to soon. We will have to look into controlling this even further to insure the safety of the residents.

**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 23, 2014**

Mayor Crowley reminded everyone the Mineral Show was this weekend at the School.

Mayor Crowley commented we can't get on the schedule for as much paving as we would like in the fall, hopefully Davis Road may get some paving, we are going to talk about Junction Street. Most of the paving will have to be put off until the spring.

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. Martinez. All were in favor.

Betty Allen, 24 Jenkins Road, Franklin, stepped forward. Mrs. Allen commented on the loss of a long time resident [Walter Webb] this week. Mrs. Allen gave the history of the Webb family and the paper store the family owned. Mrs. Allen commended the Police and Fire Departments for the way they handled the funeral.

Danny Schick, Senior Field Representative for the New Jersey State FOP labor council. Mr. Schick commented he came up tonight to enquire about the contract negotiations regarding the Chief. He is happy to hear that he will be hearing from Councilman Limon very shortly so we can move on with this. At this time he would like to request he be contacted with scheduled dates for the contract negotiation for the rest of the officers for the department. Mr. Schick hopes the negotiations go as smooth as last time, for those that were involved know we settled the last contract in two sessions.

Mayor Crowley commented we will be discussing this in executive session, we will be setting up a committee and get back to you within a week as to who the committee people are and setting up times.

Mr. Schick commented he would like to set a date for the exchange of proposals, to do that at least a week or so before our first session; this way when we have our first session we can go in and are aware of what both sides are looking for [so] we can sit down and discuss the issues.

Kerri Marino, 45 Mabie Street, Franklin, stepped forward. Mrs. Marino announced the opening of her Yoga Studio Pearl; on October 18, there will be a grand opening and explained the events for the grand opening. Mrs. Marino invited everyone to attend and handed out invitations to the Council members.

Mayor Crowley wished Mrs. Marino good luck with her Yoga Studio. We are happy to see her business come to Main Street.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented he is glad the Borough is moving ahead with hiring a police officer and sitting down with the Chief. The DPW employees are a very valuable group for the town, over a year ago he asked to sit down and negotiate with them, thousands of dollars have been spent by the DPW employees to protect their rights, they are a bargaining unit. Please sit down and negotiate the contract.

Mr. Durina commented he is retired from JCP &L but he has no ties other than a pension from them, no interest as to where people in this town purchase their energy from. Mr. Durina commented it is too much government, you are intruding in our lives. Mr. Durina commented he wants the ability to sign up for it [Energy Aggregation Program] not to Opt out of it. Mr. Durina explained why and asked to proceed with caution. Mr. Durina read part of an article from the New Jersey Herald.

**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 23, 2014**

Robert Dabinett, Corkhill Road, Franklin, stepped forward. Mr. Dabinett commented some months ago we paved a portion of Corkhill Road, it is half done, now we are going to pave half of Davis Road. Mr. Dabinett suggested to do the entire length of Davis Road and gave reasons why.

Betty Allen, 24 Jenkins Road, Franklin, stepped forward. Mrs. Allen commented on the 100th Anniversary of Ogdensburg, and spoke about Franklin's Main Street.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch commented on trailers parked on properties in Franklin. Mrs. Basilwitch commented on the sign code ordinance and that the wrong organizations are being targeted, the American Legion and Fire Department. Mrs. Basilwitch read a list of signs posted in Franklin of businesses not in Franklin.

Mayor Crowley commented he will pass this information to the Zoning Officer.

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

CONSENT AGENDA

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

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated September 8, 2014 from Mary Alonso, President, Board of Health, to Robin Bruscano Re: Board of Health Resignation.
2. Letter dated August 21, 2014 from Hawkins, Belafield & Wood LLP. Bond Council to Mayor and Council of the Borough of Franklin.
3. Letter dated September 10, 2014 from James C. Kilduff, Administrator to Kevin Hanrahan Re: Police Officer Conditional Employment Offer.
4. Memo dated September 14, 2014 from James Kilduff, Administrator to Robin Hough, Clerk Re: Great Places in New Jersey Program.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for August, 2014.
2. Construction Permit Activity Report for August, 2014.
3. Department of Public Works, Vehicles and Equipment Inventory List August, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 23, 2014.

Mr. Limon made a motion to approve the consent agenda of September 23, 2014. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

OLD BUSINESS

Mr. Giordano questioned why the sign ordinance would apply to the American Legion, he thinks they have the right to put up a [sign] and explained why. Mr. Giordano commented we have a fantastic Zoning Officer, he is only there to enforce

**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 23, 2014**

the rules we create. If we[the Council] can make minor adjustments to those rules in this case it would be appropriate.

Mr. Giordano commented he hopes we get the contracts done soon, we have been through some tough times but he is positive we can do it and we have the right people here to do it.

Mr. Giordano commented in the developer's agreement for the Walgreens, we restricted the use of machinery in the community. He saw machinery parked in there, is that a police issue. The access is restricted to Route 23.

Mayor Crowley commented it was brought up to the Construction people today.

Mr. Martinez commented on Pond Revitalization. Mr. Martinez asked Mr. Kilduff what is the next step we are looking at.

Mr. Kilduff commented his recollection was the jogging path, he started the engineer on that project. He will have to look into this.

There was a brief discussion on the list of priorities to be worked on that were in the Pond Revitalization report.

Mayor Crowley commented we will look into this.

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for September 9, 2014. (Absent: Babcock) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: Babcock

Contract for Improvement to Davis Road

Mr. Limon made a motion to approve contracts for milling, paving and striping of Davis Road, Section 1, as recommended by the Borough Engineer, utilizing the Morris County Co-operative with approximate pricing as follows: Tilcon, New York, Inc. \$81,955.80; Denville Line Painting, \$2,873.20. Seconded by Mr. Babcock.

There was a discussion on the improvements and trying to get roads done at one time instead of phases. Mr. Kilduff explained the paving projects that are being worked on.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Shared Service Agreement with Sussex County

Mr. Limon made a motion to enter into a shared service agreement with Sussex County for milling, paving and striping of a section of Junction Street between Main and Fowler Streets at an approximate cost of \$24,620.79. Seconded by Mr. Babcock.

Mr. Kilduff explained the agreement.

There was a discussion regarding the drainage problem in that area, having to make a saw cut in the road, most of the repair would be under the sidewalk, the

**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 23, 2014**

County's price is an excellent price and the County will not be involved in the drainage issue.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Mayor's Appointment to the Board of Health

Mr. Limon made a motion to confirm the Mayor's appointment of Kristen Alonso as Board of Health member. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Resolution 2014-74 AFLAC Supplemental Insurance Benefits

Mr. Limon made a motion to adopt resolution 2014-74 authorizing the Borough Administrator to implement a program for AFLAC Supplemental Insurance by payroll deduction. The supplemental insurance program is voluntary with no cost to the Borough and almost no administrative work. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Appointment of Court Attendant

Mr. Limon made a motion to hire Edward White as Court Attendant subject to approval of New Jersey Division of Pensions. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Discussion on 2015 NJDOT Trust Fund Grant Applications

At this time there was a discussion regarding Thomas Knutelsky, Borough Engineer report dated September 19, 2014 regarding 2015 NJDOT Trust Fund Grant Applications Roadway/Sidewalk Project Summary Report.

Mayor Crowley asked if Junction Street would be taken off this list of recommendations from the Borough Engineer.

Mr. Kilduff commented the recommendations from the engineer is we make an application for number 2, Main Street Phase 1 and number 3 North Rutherford Ave. These NJDOT local aid projects are very competitive, most of the times if you get one [grant] you don't get one the next year. They usually target programs around \$200,000 for town our size and they like to see programs that include pedestrian access. They are not ment to get involved in drainage type projects it is mainly paving, sidewalks and curbing. Numbers 2 and 3 are what is being recommended here tonight. The Council needs to decided tonight the applications need to be filed by October 14, we will have to do a resolution at the next Council meeting if the Council takes action here tonight.

Mayor Crowley recommended for the Council to go along with the engineers recommendations, they are the ones noted for paving, these are their recommendations.

**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 23, 2014**

Mr. Limon made a motion we follow the engineers recommendations so we can move forward with the project. Mr. Babcock commented he is fine with that.

Mr. Babcock commented we still have to finish Junction Street.

Mayor Crowley commented Junction Street will be pretty well finished.

Mr. Babcock commented we still have the hill on High Street.

Mayor Crowley commented we can talk to the engineer.

Mr. Kilduff stated the engineer is recommending we apply to NJDOT for projects number 2 Main Street Phase 1 and number 3 North Rutherford Ave Phase 1.

Mr. Babcock commented he was just saying we didn't finish up Junction Street.

Mayor Crowley commented it will be done up to Main Street, the engineer feels we would have a better chance with these other two. The one he recommends is Main Street.

Ms. Hough commented Mr. Limon made the motion, Mr. Babcock said he was ok with that. Is are you ok with that mean you seconded it.

Mr. Babcock stated yes.

Mr. Kilduff commented your motion is to make applications for projects 2 and 3, Main Street and North Rutherford.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Discussion on Amending the Master Plan

At this time there was a discussion regarding James Kilduff, Administrator's memo dated September 15, 2014 amending the Master Plan.

Mayor Crowley explained this came about when the EDC invited a local developer to their meeting. The developer made recommendations that would help commercial development.

Mr. Kilduff commented Mr. Maino is the developer that is doing the Auto Zone and STS project, he also just completed a 7-11 project in Hamburg. Mr. Maino is a developer that gets things done. Mr. Kilduff commented Mr. Maino's biggest suggestion was that we look at the zoning for Highway Commercial. It is still 5 acre zoning is the minimum lot size, we have many properties on route 23 that are less than 5 acres. Mr. Kilduff commented this would be making changes to the Master Plan; this is something the Council should consider for the budget cycle if they would like to fund a Master Plan examination or at least an amendment for the Highway Commercial Zone. Mr. Kilduff has had a discussion with the Planning Board; they seem interested in moving forward with this. Mr. Kilduff has asked the Planner to come up with a proposal as to what he thought the cost would be if we are going to do a Master Plan Reexamination or Amendment. This is mainly to introduce this idea to the Council tonight, as to what the cost might be and to include in our 2015 budget.

There was a brief discussion on the Master Plan.

**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 23, 2014**

Mayor Crowley commented we will be discussing this further.

EXECUTIVE SESSION

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

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

Mr. Ursin commented the executive session is for contract negotiations.

After meeting in closed session, the Governing Body returned to their seats at 8:40p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

Mr. Ursin stated in closed session we discussed committees and negotiation with respect to the FOP union. It was agreed in closed session which we will take a vote on now. Mr. Ursin commented that Council is authorizing the Administrator to go to the auditor to begin compiling all of the information and data related to the contract so that the committee will be well prepared.

Mr. Limon stated he will make that motion. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Martinez, Babcock, Giordano, Limon

Nays: None Absent: Snyder, Zschack Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Giordano commented the recreation meeting is tomorrow at 7:00PM. Two members will be taking the Oath.

Mayor Crowley will give the Oath to the new members.

Jennifer Giordano, recreation member commented on Franklin Night for next year.

Mayor Crowley stated any contracts [for Franklin Night] will have to be approved by the Council.

ADJOURNMENT

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

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk