

**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
October 28, 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, Mr. Snyder, and Mayor Crowley.

Absent: Mr. Zschack

Mayor Crowley led the assembly in the flag salute.

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

COMMITTEE REPORTS

Mr. Martinez had nothing to report.

Mr. Babcock reported we need to work on Ordinances.

Mr. Limon reported in the administrator's report there is a request for an executive session.

Mr. Giordano reported the Halloween Parade is this Friday, line up is at Rutherford and Main at 4:45PM, they will go down Rutherford Ave and then have goodies, donuts and cider at the Fire House. There will be a Christmas Tree lighting scheduled for November 29. Mr. Giordano commented there are some maintenance items at the pond we have asked to have repaired, he knows the guys are busy but we [Recreation] had movies in the park and all the light bulbs in the pavilion were busted, we need light bulbs replaced there. We need the announcers booth closed up because it has the PA system in there.

Mr. Snyder 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

The Junction Street and Fowler Street resurfacing projects were completed on October 21st, 2014. Thermoplastic markings have been installed; line painting is scheduled for Monday, November 3rd. Following a preconstruction meeting on October 22nd, the 2 day, Davis Road, Phase 1 repaving project, originally scheduled for today, will start tomorrow. Completion of these paving projects (Cork Hill Road, Phase 1, Davis Road, Phase 1, Fowler and Junction Streets concludes the fall paving schedule.

Financial Control/Legal Issues

As the Council is aware, negotiation with the DPW has been stalled. In an effort to move it forward, the Borough suggested appointment of a mediator. The DPW agreed and a Mediator was appointed by P.E.R.C. Although agreeing to participate in mediation, the DPW has filed a lawsuit in Superior Court. The DPW's civil action complaint is seeking a trial by jury and award of compensatory and punitive damages; attorney's fees and costs; and such other relief as determined by the court.

Several resolutions related to insurance renewals are on tonight's agenda. The Risk Management Consultant could not attend tonight's meeting to answer questions. Therefore the Council should consider carrying Items 3 through 7 on the agenda.

SCMUA's rate annual hearing is on November 5th at 4P.M. Action on the proposed FY2015 rates is scheduled for Thanksgiving eve, November 26th. Projected rates for 2015 were discussed in a meeting with the SCMUA Administrator. Annual sewer charges for FY2015 are estimates until the year end. Franklin's projected annual charge of \$919,080 represents a decrease over last year projections. Franklin has the highest wastewater flows of all participating towns.

The Borough's Tax Collector, Theresa Schlosser, conducted a tax sale on October 24, 2014. The sale resulted in sale of liens on 28 properties to outside lien holders for delinquent 2013 taxes and water and sewer charges. One property, B2701, L2 was struck off to the Borough. The Borough's municipal wells are within the boundaries of this large lot. The Administrator has asked Borough professionals to consider this matter should the lot become available to the Borough through foreclosure in 6 months.

The Borough has taken delivery on the new, 2015 Ford Explorer for the Police department. The vehicle has been added to the insurance policy.

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Operational/Personnel Matters

A "Right-To-Know" (R.T.K.) inspector recently visited DPW facilities to determine compliance with hazardous material and product labeling R.T.K. requirements. The inspection found only a few minor issues. Former Councilman Steve Sluka is continuing his valuable volunteer work to complete a R.T.K. survey information to be entered into the online report.

The Borough's \$1.44 million solid waste and recycling contract with Blue Diamond is set to expire on June 30, 2015. Preparations for new waste hauler bids must be made well in advance. Bids must be duly advertised at least 60 days in advance. The CFO has been asked to consider the possibility of an increase in the 2015 budget.

Borough professionals are gathering and reviewing information necessary to negotiate a new Police contract. The current contract expires December 31, 2014. Recent decisions have imposed a 2% hard cap on new Police and Fire contracts.

A draft copy of a proposed new contract for the Police Chief has been prepared and forwarded to the Chief and FOP negotiator. An executive session is requested on this matter.

Land Use Matters

Planning Board Chairman John Cholminski is recovering from illness, we wish him a speedy recovery. The Planning Board met on October 20th. There were no new applications.

Eden Property, under the direction of the New Jersey Department of Transportation, is working on improvements to Rt. 23. Improvements include installation of pedestrian traffic controls and other minor roadwork on Rt. 23 at Washington Avenue.

MRAN Co. LLC is expected to continue its application before the Zoning Board of Adjustment on November 5th. The company is seeking preliminary and final site plan approval with variances to construct a Taco Bell Restaurant. The company has no plans to start construction before next year.

The County Plan Advisory Committee (PAC) met on October 9th. Attendees were advised the NJDEP will be publishing proposed rules for adoption in the New Jersey Register.

Long-term and Capital Projects

The firehouse gas boiler conversion project is expected to begin next week. The Administrator is researching improved efficiencies in the Borough's fueling operations. A full report will be provided at the next Council meeting.

The CFO is looking into refinancing of long term debt. The Borough has 24 years remaining on a USDA, FHA water and sewer loan of \$2.9 million. Refinancing can provide the Borough with estimated savings of approximately \$300,000 in interest for this 50 year bond issued at 4.75%. Yesterday the CFO sent out Requests for Proposals (RFP's) for financial advisory services for the refunding of the remaining \$2.3 million of the original debt. The RFP also includes fees for yearly updates. This will be a priority project for completion by year end.

Miscellaneous

The 24th Legislative District conducted a meeting for local public officials today. NJDOT Commissioner Jamie Fox and Assistant Commissioner John Case were present to discuss transportation issues. The Commissioner gave a frank assessment of funding issues. Money for Local aid projects is rapidly drying up with no new money to fund new projects. I asked the Commissioner to look at NJDOT review fees which can discourage new development.

Voters are reminded Tuesday, November 4th is Election Day. Polls will be open from 6AM to 8PM.

Executive Session

An executive session is requested to discuss DPW litigation and the Chief's contract.

Mayor Crowley reported last Saturday he attended the Franklin Fest at the old Morley Shirt Factory. Dr. Bonnet is continuing the development of that as a medical project and also has a site for people that care about Franklin to get together it was well attended, a lot of people there and a lot of activity. We are looking forward to Dr. Bonnet's ongoing projects in that area.

Mayor Crowley commented on Saturday he also stopped down at the pond, the Girl Scouts were having a project, it was mentioned at the last meeting, he wanted to see what was going on. Mayor Crowley commented they had indicated there were 150 people to use the facility there but in actuality most of the use of the facility was outside and not in doors. There was no problem with overcrowding [at] the pond. The Girl Scouts, Boys Scouts and Cub Scouts were altogether using this project, it turned out to be a nice day, they had a great presentation down at the pond area. The Girl Scouts themselves are regionalizing, it is called Walkkill Valley Girl Scouts, although most of the Girl Scouts are from Franklin in this group. They have a very active and large group and the Boy Scouts also have an active and large group, so hopefully they will be able to make more use of the pond facilities.

Mayor Crowley reported the SCMUA meeting is Wednesday November 5, also Expo Monday up at Crystal Springs by the Chamber of Commerce from 4:00PM to 8:00PM.

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Mayor Crowley commented on the consent agenda there is a letter from Joe Drossel, Zoning Officer, regarding up keep of buildings in town, he will be addressing this with our zoning officer, further action is needed.

Mayor Crowley commented he had been called by NJ DEP black bear control, they have received a lot of reports regarding black bears in Franklin. They (DEP) feel a lot of it has to do with random garbage, so when we go into the new contract for garbage we should be looking into tighten up the times [for pick up] and when the garbage is put out. One of the problems now is the garbage is put out the night before, is left out on the street because the garbage is picked up early in the morning.

Mr. Limon asked how is that the haulers problem.

Mayor Crowley commented the hauler has limited time when they can pick up the garbage. It has to be out by 6:00AM they have to get it over to SCMUA by 2:00PM. Mayor Crowley commented we can ask what we want but it will impact what is charged.

OPEN PUBLIC SESSION

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

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina asked Mr. Kilduff to re-read from his report the paragraph regarding DPW negotiations. Mr. Durina questioned the time frame of the recent events with DPW negotiations involving a mediator. Mr. Durina commented on the application for water and sewer service, EDU's and asked who signs off on the application. Mr. Durina commented it was brought to his attention we [the Borough] have over \$140,000 dollars in water fees due to the Borough. Mayor Crowley explained. Mr. Durina asked to reinstate the Board of Public Works. Mr. Durina commented he wants open and honest Government. Mr. Durina commented this is one man's opinion than gave his performance evaluation of the Mayor.

Shawn Kidd, 3 Evans Street, stepped forward. Mr. Kidd commented he would like to voice his support for the DPW but has one criticism. Mr. Kidd commented on DPW mowing up and down Buckwheat, Evan alongside the quarry property, mineral museum property, driving lawn mowers all over town mowing grass on the sides of the road and guard rails this is the homeowners and property owners responsibility. The DPW should not be doing this, as a town we need to put the responsibilities on the property owners to maintain that land.

Jackie Espinoza, representative from Jersey Central Power and Light, Hampton House Road, stepped forward. Ms. Espinoza explained a utility scam and wanted to make the Council and residents aware of this scam.

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. Limon. 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):

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1. Letter dated October 15, 2014 from James C. Kilduff to Zachary Oren Re: Police Officer Conditional Employment Offer.
2. Memo dated October 11, 2014 from Joseph Drossel, Zoning Officer to Mayor Crowley and Borough Council Re: Proposed Ordinance Adoption.
3. Letter dated October 6, 2014 from Sussex County Municipal Utilities Authority to All SCMUA Customers Re: Proposed FY 2015 Rate Schedule Effective December 1, 2014.
4. 2014 Abstract of Ratables from Sussex County Board of Taxation.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court report for September, 2014.
2. Health Department report from September, 2014.
3. Police Department report for September, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 28, 2014.

Mr. Limon made a motion to approve the consent agenda of October 28, 2014.
Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Zschack Abstentions: None

OLD BUSINESS

Mr. Snyder asked Mayor Crowley, the committee duties given to the Council and the ones that are not filled, are you going to fill those duties.

Mayor Crowley commented if he needs to he will fill one but since we will be reorganizing in a few months [he will wait to reorganization].

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes for October 14, 2014. (Absent: Zschack) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Zschack Abstentions: None

Amended Quit Claim deed of former Highway

Mr. Limon made a motion to approve the amended quit claim deed of a former highway between the Borough of Franklin and the County of Sussex to remove and eliminate the reverter clause in the original deed of conveyance recorded in Sussex County Clerk's office Deed Book 3298 Page 21 on September 19, 2012. Seconded by Mr. Babcock..

Mr. Kilduff explained the amended Quit Claim Deed. There was a brief discussion regarding the condition of the property and the condition is between the County and the homeowner.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Zschack Abstentions: None

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Agenda Items 3 through 7.

Mayor Crowley commented items 3 through 7 has to do with risk management and Statewide Insurance we don't have the final numbers, Wayne Diez was not able to be here tonight so this is up to the Council to put this off until the next meeting to get more information.

Mr. Giordano made a motion to table agenda items 3 through 7. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Zschack Abstentions: None

Discussion on the Purchase of a DPW Vehicle

At this time there was a discussion regarding the purchase of a new DPW truck.

Mayor Crowley commented the Borough has a very large fleet for a small town, not only DPW but First Aid Squad, Fire Department and we have cars that are used by employees at town hall. Mayor Crowley commented the Council should consider how many trucks we need. We have an ambulance that is no longer being used in the back of the First Aid Squad it is 17 years old, with a diesel engine, doesn't have a lot of mileage and is in fairly good shape. People buy these kind of vehicles and use them as utility trucks. This has been sitting there for several months he would like it to be sold, auctioned, scraped or utilized.

Mr. Snyder commented the replacement of vehicle it is a 2002 Ford F250 with 136,837 miles, this vehicle needs to have a lot of repairs, the transmission maybe going. If the money is available, we put this into capital projects this year and with the fact of nickel and diming us with repairs of that vehicle. We feel we need to do this at this time to not have to buy more vehicles at a later time. Mr. Snyder commented at this time to purchase that vehicle, if we can get the ok, have the funds to purchase by the end of this year and purchase at the beginning of next year. This would help not to have a vehicle down during snow storms. Mr. Snyder commented that is his recommendation to buy a replacement for the 2002 Ford F250.

Mayor Crowley asked when you talked to DPW did they talk about getting rid of a vehicle or keep the other vehicle.

Mr. Snyder commented getting rid of the 2002.

Mayor Crowley commented he talked to the CFO, what needs to be done is write up an ordinance to transfer the funds. Mayor Crowley asked if anyone was opposed to the purchase of this vehicle which probably will not be delivered until 2015. We can get the paper work started and the ordinance on the agenda for next month.

There was a discussion on not letting cars sit on the lot, auction off the ambulance and we can auction off 2002 truck to get some money back for this purchase.

Mayor Crowley commented what he is getting is to move forward and have the ordinance written up for the new truck and ask Mr. Kilduff to talk to the DPW supervisor to see how many vehicles we have now that could be auctioned off or scrapped.

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EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Babcock made a motion to adjourn into closed executive session to discuss negotiations matters. Motion seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Zschack Abstentions: None

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.

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 8:41P.M., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk