

**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
November 6, 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, Mr. Zschack, and Mayor Crowley.

Absent: None

Mayor Crowley led the assembly in the flag salute. Mayor Crowley asked Stephen Sullivan, new Eagle Scout to step forward and led the flag salute.

Mayor Crowley presented Stephen Sullivan a certificate of Achievement in recognition of having the rank of Eagle Scout. We are proud of our young men that do well, especially the Scouts to achieve an Eagle Scout is something to be very proud of.

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

There was a presentation on gasoline and fuel storage with Jim Williams, OEM Coordinator.

Jim Williams, OEM Coordinator, 279 Wildcat Road, Franklin, stepped forward. Mr. Williams commented he had approached the Council several months ago, there is a pending change with the heating system in the Fire Department which is going to go to natural gas. This would leave a diesel tank behind the building just to let sit there. Mr. Williams explained how this can be used as diesel fuel.

Mr. Williams referred to the document completed by Mr. Kilduff, which referenced Petro Mechanics. Mr. Williams commented most of the fuel used in the Borough is gasoline; most of the gas is used for the police cars. Mr. Williams referred to the handout and explained the document. The number of trips to Hardyston to fill up with fuel, it would be a good idea to have gas and diesel fuel, having our own fuel depot would save employee time driving over to Hardyston, money, wear on Borough vehicles, how the system would work and costs of the system referring to Petro Mechanics proposal.

Mr. Williams commented there are six advantages to having the system like this, less miles driven, less time lost for employees, fuel available 24/7, 11 cents surcharge would be saved, more control over the situation to buy fuel at a cheaper rate, the payback for installing the system would be a little over two years. This would be more convenient for everyone.

Mr. Zschack asked if anyone proposed an exact location.

Mr. Williams commented we are looking at the Road Department on Corkhill Road, on either the north or south end of the building. Mr. Williams commented he and Mr. Kilduff had discussed that. This would be in a fenced in area.

Mr. Zschack asked if there were any concerns through DEP regarding putting this so close to the pond.

Mr. Williams explained this would be covered through Petro Mechanics, if you look at the proposal sheet number 1 says to obtain and pay for a permit to install concrete pad. He would assume that would be for the permits through them.

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Mr. Kilduff explained when this was brought up a year ago he had talked with the Borough Engineer regarding locating this system at the Borough garage and he didn't see an issue.

There was a discussion on generators, generators Mr. Williams obtain through OEM for emergencies, the best location at the Borough Garage for the fuel pump, funding for the project, the key system, monthly maintenance costs, the time it take to go over to Hardyston, situations during Hurricane Sandy and fleet management card for each vehicles.

Mayor Crowley thanked Jim Williams for his presentation.

COMMITTEE REPORTS

Mr. Limon reported we will be voting on the Chief's contract this evening and thanked Mr. Babcock and the Mayor. Mr. Limon commented we are in the FOP negotiations now and hopefully that will be resolved shortly.

Mr. Giordano reported the recreation committee is working on the Christmas Tree Lighting and the possibility of getting lights for the bridge. The date for the Christmas Tree lighting is November 29.

Mr. Snyder had nothing to report.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. Martinez had nothing to report.

Mr. Ursin, Esq. had nothing to report.

Mr. Kilduff commented he and the clerk were on the phone today regarding the election, they anticipate the official election results would be out maybe tomorrow but by Monday. Mr. Kilduff commented unofficially he would like to congratulate Mr. Limon, Mr. Martinez and Mr. Dabinett. Mr. Kilduff congratulated Stephen Sullivan on becoming an Eagle Scout.

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

Borough Sites and Street Issues

The Davis Road, Junction and Fowler Streets paving projects are now complete. Centerline painting and pavement edge striping have been added to complete these projects.

A number of pond recreation area maintenance projects have been undertaken since the last Council meeting: no parking signs have been installed; pavilion lighting has been upgraded with shatterproof fixtures; new weatherproof outlet enclosures have been installed; the announcer booths have been secured.

Financial Control/Legal Issues

Good news! Passaic County Energy Cooperative has announced bid results for supplying natural gas to the Borough. The Co-op is predicting annual savings of approximately \$1,341 (59%) at the price to compare for supplying Borough Hall with natural gas. At today's market price the Borough would be paying about \$.44.5/therm. This compares with a newly negotiated price of \$.61.5/therm from Metromedia energy. This Co-op pricing affirms the Council's decision to go with the Passaic County Energy Cooperative. The Borough will be able to take advantage of this cooperative pricing at the end of our current contract on January 31, 2015. We are also hoping to include firehouse new gas boilers in the cooperative pricing.

More Good news! The Borough's has met its financial commitments in its current contract for construction services with Hardyston Township. As of October 31st, approximately \$79,000 has been collected by the Hardyston Building department. This means the Borough can anticipate owing no

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money to Hardyston for constructions services in 2014. A request for proposal for a new contract, commencing in 2015 has been sent to Hardyston.

Still More Good news! The NJDEP has issued preliminary numbers for municipal curbside solid waste and recycling tonnages for 2012. The Borough reported 4,758.64 tons recycled in 2012. Today, the NJDEP announced 2012 Recycling tonnage grants. Franklin's grant award of \$10,892.36 is the 6th highest dollar award in Sussex County. The towns receiving larger grant awards generally have significantly larger populations than Franklin.

At the last meeting the Council was briefed on plans to restructure debt at significant savings to the Borough. A resolution to approve hiring of a financial advisor is on the agenda as an addendum item. Retaining a Financial Advisor is a necessary step in the Borough's bond refunding program.

Following Council deliberations at the October 28th meeting, introduction of an ordinance to purchase a pickup truck is on tonight's agenda. The purchase, in the amount of \$33,000 is to be fully funded from the Water/Sewer Capital Improvement Fund. Also, a companion resolution authorizing auction of 3 surplus vehicles (ambulance, pickup truck and police car) is on tonight's agenda.

This season road salt prices have jumped dramatically. Whereas the Borough paid \$49.79/ton last year, the County has secured a best price of \$65.47 a ton for the 2014-2015 season. A Resolution enabling the Borough to piggyback on the County's bid award for rock salt and snow grits is on tonight's agenda as an addendum item.

Additional information related to Statewide Insurance fund's renewal is expected to be available for the November 25th meeting.

Operational/Personnel Matters

Each year Borough employees make approximately 1,700 round trips to the Hardyston Fuel Depot near Route 94. Over 8,000 miles are driven, hundreds of man hours and thousands of dollars are spent in making these trips. Finding a better way is on tonight's agenda.

The Wallkill Valley First Aid Squad has elected Melanie Portello as Captain replacing recently retired Captain Terry Gallagher. We wish Melanie the best of luck as she assumes her new duties. The Sparta First Aid Squad will be having another meeting to discuss interlocal arrangements. The Borough is currently using the Sparta Squad for paid weekday, daytime coverage.

Land Use Matters

Last night the Zoning Board took action on MRAN Franklin, LLC's application to construct a Taco Bell Restaurant on Rt. 23 in Franklin. The Board's unanimous vote included site plan and conditional use approval with variances for a new, 2,029sf restaurant and associated improvements. In their decision, the Board simultaneously granted approval of a memorializing resolution. In other business, the Zoning Board also granted sign variances for the new Burger King and Scoops Frozen Yogurt franchises.

Long-term and Capital Projects

Bid openings for demolition of two buildings on Block 606, Lot 29 is scheduled for Friday, November 14th. The property, located at 429 Rt. 23 South is commonly referred to as the Ski Shop property.

Miscellaneous

Franklin resident Stephen Sullivan of Troop 90 recently obtained Scouting's highest rank. Stephen became an Eagle Scout at the age of 16 on October 30th. In becoming an Eagle Scout, Stephen is following in the footsteps of his brother and grandfather. For his Eagle Service Project, Stephen constructed and installed 12 wood duck nesting boxes at the Franklin Pond recreation area. We congratulate Stephen on his achievement and contribution to protecting wildlife at the Borough's Pond recreation area.

Mayor Crowley congratulated the newly elected officials. Mayor Crowley announced a fund raiser by the Franklin Education Foundation, which is coming up on Saturday, November 8, 3:00 PM to 5:00 PM \$35.00 per person anyone interested can see Mr. Zschack.

Mayor Crowley reported we did very well with the Recycling Grant, a lot of that is the administrative personnel getting the paper work done through the recycling administration.

Mayor Crowley commented on the high increase in salt, our DPW packed the shed up with salt last year so we have a full salt [shed] at the lower prices so we have to thank DPW for that. Everyone talks about the plowing but the salting of the roads is very expensive.

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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 questioned a water bill at Anytime Gym, and asked about the meters.

Mayor Crowley explained the situation with the meters.

Mr. Durina asked about a bypass road proposed from 517 and end in Hardystonville, as we can see Rte 23 is well over loaded. Mr. Durina asked if that bypass road still on the books.

Mayor Crowley explained, as far as he knows there is no resurrection on that by pass [road].

Mr. Durina asked if there are any plans for the Borough.

Mayor Crowley commented there is improvements on Rte 23 as new developments are being made but there is no overall plan or any State plan to do anything on Rte 23.

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 October 30, 2014 from James C. Kilduff, Administrator to the 24th Legislative District Re: Franklin Borough 2015 N.J.D.O.T. Grant Applications.
2. Memo dated October 24, 2014 from Teresa Schlosser, CTC to James Kilduff, Administrator Re: Annual Tax Sale held October 15, 2014.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Recycling Report for the year 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 6, 2014.

Mr. Limon made a motion to approve the consent agenda of November 6, 2014. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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OLD BUSINESS

Mr. Giordano asked about the Borough getting credit card terminals to accept payment for taxes and water. Is it possible to look into that, this might help with situations we have with payments.

Mayor Crowley commented he would like to look into this further because he would like to especially see it at the Court to get payments even if it is a percentage lost it is better than an installment plan.

Mr. Giordano commented the Court is the main thing he would [look] at it for, this would help get payments quicker. Mr. Giordano referred to the water bill discussed (Anytime Fitness). Mr. Giordano commented there was a process in place to make sure when new business changed or changes in uses that the Board of Public works was involved. There was a check list to make sure we had EDU's that were in compliance with the use and we had a systematic way of going about signing them and basically making sure the sewer and water system was properly looked after. Mr. Giordano asked to re-establish the BPW and let them look over the system allow us to have people who are not political involved in things like EDU's. Mr. Giordano reference a place from Hardyston that wanted the Borough to lower their EDU's because they changed the usage of their building. Were the EDU's changed, that rested on one mans decision, the Administrator. Mr. Giordano commented he doesn't really trust that one person should be able to alter or change the EDU's.

Mayor Crowley commented that situation rested with the Council, the Council decided as he remembers, it was denied. The other things that you were talking about would have not been brought to the BPW anyway, if it was properties that were not new developments. We are going to have to decided on the BPW as a Council soon, either to abolish it or reinstate it. There would be pluses and minuses on that. Any force of action the BPW had would be brought up to the Council this was done ten years ago or more.

Mr. Giordano commented utilities should be monitored and controlled by a separate Board. We have enough with the things that we do, we don't have to be worried about EDU's and stuff like that, he is not an engineer. When new developments happen in town, obviously there is going to be EDU's established with those. How are those decided?

Mayor Crowley commented we can bring back the BPW but that doesn't mean they have any more expertise than we have, they have to higher an engineer. It comes down to are we going to hire professionals or not.

NEW BUSINESS

Approval of the Minutes

Mr. Zschack made a motion to approve the regular meeting minutes and executive session meeting minutes for October 28, 2014. (Absent: Zschack) Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Snyder

Nays: None Absent: None Abstentions: Zschack

Resolution 2014-83 Amending the Capital Budget

Mr. Zschack made a motion to adopt resolution 2014-83 amendment to the capital budget. Seconded by Mr. Babcock.

Monica Miebach, CFO explained the resolution.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #11-2014

Mr. Zschack made a motion to introduce an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$33,000 FROM WATER/SEWER CAPITAL IMPROVEMENT FUND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY" Seconded by Mr. Snyder.

Public hearing will be held November 25, 2014.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2014-84 Sale of Surplus vehicles

Mr. Zschack made a motion to adopt resolution 2014-84 authorizing the sale of surplus vehicles owned by the Borough of Franklin through Govdeals.com. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor's Appointments to the Zoning Board

Mr. Zschack made a motion to confirm the Mayor's Zoning Board appointments as follows: Seconded by Mr. Martinez.

	Zoning Board	Term Expires
Member	Floy Estes	12-31-2017
Member	Stephen Skellenger	12-31-2015
Alternate #1	Dawn Fantasia	12-31-2015

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley commented the reason for these appointments was due to the resignation of Mark Correal and Martin Swiss. There were long term members on the Zoning Board and for personnel reasons have resigned. We would like to thank them for time they spent on the Zoning Board.

Police Chief Contract

Mr. Zschack made a motion to approve a new 3 year contract for Police Chief Eugene McInerney. Seconded by Mr. Limon.

Mayor Crowley gave a brief overview of the contract.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Zschack

Nays: None Absent: None Abstentions: Snyder

ADDENDUM

Resolution 2014-85 Purchase of Ice Control Materials

Mr. Zschack made a motion to adopt resolution 2014-85 authorizing the Administrator to purchase ice control material from the vendors at prices set forth in

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the resolution for the County of Sussex dated October 8, 2014. Seconded by Mr. Babcock.

Monica Miebach, CFO was present for the brief discussion.

Mr. Snyder commented the prices the County has, he saw in the paper today one of the towns in Sussex County went to a lower price with Morris County COOP.

Mrs. Miebach commented Morris County last year and this year is higher than the piggy back price in Sussex County.

Mayor Crowley questioned if the Borough could get a cheaper price somewhere else.

Mrs. Miebach commented yes, we can go elsewhere. If Morris County was cheaper we would set up an account with that vendor, but Morris County came in higher.

Mr. Snyder questioned the article he read in the paper.

Mayor Crowley commented if we can get it cheaper we will go cheaper, right now this is the best price.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Martinez, Zschack

Nays: Snyder Absent: None Abstentions: None

Resolution 2014-86 to Retain a Financial Advisor with respect to Bond Funding

Mr. Zschack made a motion to adopt resolution 2014-86 authorizing the Borough to retain Phoenix Advisors LLC as financial advisor with respect to Bond refunding in the amount not to exceed \$7,500. Seconded by Mr. Giordano.

Monica Miebach, CFO explained the resolution and Bond refunding and saving to the Borough to do the Bond refunding.

Mr. Limon commented it seems like we are going at this fast, you went out and got three bids, he knows of other advisors, the only one he sees is Phoenix Advisors and mentioned the names of other advisors.

Mr. Ursin commented Archer and Grinner doesn't do this, they actually work with Phoenix Advisors. If you went to Archer and Grinner they are bond Council, they would recommend you higher Phoenix, he knows that for a fact. You need your bond Council involved and a financial advisor. They are two different rolls. The bond Council Archer and Grinner the primary one there partners with Phoenix regularly.

Mr. Limon commented this seems fast.

Mr. Ursin commented you guys have to be comfortable with this, there is a pace to this, he has heard recently Bond council speaking and there is very much an attitude don't put off, if you have something you can refinance, if the market right now will give you that lower rate, you wait until after the New Year and start that process then you can find yourself in March or April with some world event and the opportunity to refinance could be gone. He doesn't know that it will, that is not his business but in a six month period the opportunity for a refinance could be gone. Mr. Ursin commented you have to decide that pace of making a decision like this.

Mr. Zschack asked the total amount refunding and time to reduce.

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Mrs. Miebach explained the funding.

Upon roll call vote:

Ayes: Babcock, Giordano, Martinez, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Mayor Crowley commented the December 23 meeting we have had a tendency to cancel that second meeting in December, it is important the we be here and we have enough people for the super majority. We will try and keep that meeting short.

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Babcock commented he's glad to see Franklin moving in the right direction with all the construction of Rte. 23.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:10p.m., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk