

**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 25, 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 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 had nothing to report.

Mr. Zschack had nothing to report.

Mr. Limon reported we are in the middle of the FOP contract negotiations, the next scheduled meeting is next Thursday at 6:00PM and also after this meeting he is meeting with Mr. Giordano and Mr. Babcock regarding the Administrators contract negotiation.

Mr. Giordano reported the Christmas Tree lighting is this Saturday, at 5:00PM and the Rein Dog contest is at 4:00PM.

Mr. Snyder had nothing to report.

Mr. Ursin, Esq. had nothing to report, all items are covered in the Administrator's report.

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

Borough Sites and Street Issues

Franklin has been awarded a Certificate of Honorable Mention for its public information program and efforts to keep the community informed of activities undertaken by the Borough. Special thanks to our clerk, Robin Hough and Administrative Assistant Darlene Tremont for their efforts. In part the certificate reads: *"These efforts are indicative of a jurisdiction that values the involvement of the members of the community in the process of governance."* The award was sponsored by the Rutgers Center for Government Services, New Jersey Municipal Management Association and New Jersey State League of Municipalities.

The Engineer has provided pricing for the proposed pond recreation paths. The revised plan eliminates the original proposed Park Loop and now includes a "Pond Loop" and "Field Loop" with estimated construction costs of \$22,000 and \$19,000 respectively. The cost of a Boardwalk along the former pond beach area is about \$350/ft. or \$25,000 in total for materials only. (Typically, construction costs are 3 times the material cost.) These estimated prices can be used by the Council for budgeting purposes.

The Borough provided 7,500 gallons of water to Sussex Boro to alleviate an emergency situation. The Council should take action on the matter of reimbursement. This item is on tonight's agenda as an addendum item.

The Engineer has provided pricing for maintenance of the emergency helicopter landing pad. Total cost for repairs ranging from pavement sealing and striping to overlaying the pad with hot mix asphalt is \$3,600 to \$12,600.

The Engineer is recommending award of the building demolition project for 429 Rt. 23 South to All County Services of Cedar Grove. Six bids were received, ranging from All County's low bid of \$38,000 to \$217,100. If approved, the work should be completed in January.

All American Mechanical, the low bid contractor for the Firehouse gas heating unit conversion project has been given authorization to proceed and has started the project.

Financial Control/Legal Issues

Approval of a credit card vendor for court matters is on the agenda. Also under consideration is the use of a collection agency for offenders who have failed to pay fines. Changes by the AOC will allow collection agencies to add a fee to the amount to be collected, at no cost to the Borough. The CFO is also reviewing credit card services for water/sewer accounts and taxes.

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Hillside Estates 2015 mobile home park license renewal is on tonight's agenda for approval. The Borough has received the necessary fees and application materials which have been reviewed by the attorney.

In a separate matter, Hillside Estates has satisfied the requirements for requested utility and rent increases in accordance with provisions of the Borough's ordinance. The increases have been reviewed by the Rent Leveling attorney, Angelo Bolcato. The increase for taxes and utilities is \$8.06/month per site. Hillside has provided the necessary backup documentation reflecting the increase for these charges. The attorney advises this is an automatic increase and does not require a hearing. The same applies to the automatic rent increase based on the 2015 CPI increase of 1.21%. This percentage corresponds to an average rent increase between \$5.00 and \$8.00 per month per site.

This morning the Administrator received a request from the CFO to implement a spending freeze until further notice. The spending freeze will be used to ensure sufficient cash flow to cover an estimated \$115,000 in projected revenue shortage.

The Division of Pensions has posted 2015 employer pension contribution rates. For PERS, the average employer contribution has increased from 10.92% to 11.92% and for PFRS, it has increased from 23.25% to 24.32%. Individual agency rates may vary due to other wage factors.

The Passaic County Energy Cooperative will hold its auction for residential energy aggregate program pricing on December 9<sup>th</sup>.

Operational/Personnel Matters

On November 13<sup>th</sup>, at the request of the Sparta Ambulance Squad, a meeting was held with representatives from Hardyston and Franklin regarding the present interlocal agreement. Sparta Ambulance continues to encourage Hardyston and Franklin to create a regional paid squad. Sparta Township is also expected to seek a contribution to their expenses in a new agreement retroactive to the beginning of 2014. More information on the proposed agreement is being sought. No formal proposal has been received.

Land Use Matters

The new Auto Zone and STS Tire stores have seen rapid progress. Curbing is to be installed this week. The developer is hoping to complete both projects by the end of the year.

A resolution memorializing recent approval of sign variances for the Burger King franchise will be on the Zoning Board's agenda for next week.

Long-term and Capital Projects

The engineer advises surveying is completed for Wildcat Road, Maple Road and Scott Road repaving projects for the Spring schedule. A plan proposal is being formulated for reconstruction of the sharp bend on Wildcat Road.

Estimated costs for inflow and infiltration (I&I) repairs for Zone 4 are being prepared for the CFO to be included in next year's budget.

Miscellaneous

Election results have been made official since the November 4<sup>th</sup> election. Councilman Joe Martinez was elected to fill the 2-year unexpired Council term with 810 votes (97.12%). Councilman Joseph Limon retained his 3 year seat with 649 votes (38.56%) and former Councilman Robert C. Dabinett rejoins the Council with 608 votes confirmed (36.13%). Democratic candidate Pat Rowett received 393 votes (23.35%). Councilman Martinez starts his term immediately; Mr. Dabinett joins the Council in January. Again we congratulate the winners and thank all participants in the election.

The 99<sup>th</sup> Annual conference of the League of Municipalities was held on November 18<sup>th</sup> through November 20<sup>th</sup>. The New Jersey Conference, the largest municipal gathering in the country, is regularly attended by approximately 17,000 delegates, participants and guests. Attendees have access to over 100 workshops, panels, clinics and other educational sessions.

Mayor Crowley reported he has a Mayor's Advisory regarding training educational opportunity for newly elected officials. This also includes elected officials who care to take this orientation, Saturday January 10, 2015 or Saturday February 7, 2015. If anyone is interested specifically Mr. Dabinett or Mr. Martinez or any other Council members, the Mayor also reminded everyone this is part of best practices to have training for Council members. Anyone interested get a copy from the Clerk.

Mayor Crowley commented on the upcoming snowstorm. Friday is a Holiday most of the facilities will be closed until Monday. Mayor Crowley addressed rumors he heard in town regarding water rights and the Franklin Diner.

**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.

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Robert Dabinett, 127 Cork Hill Road, Franklin, stepped forward. Mr. Dabinett commented on taking the town in a new direction, honest and open Government and the Administrator's contract.

Michael Krupa, Resident tax payer, Franklin, stepped forward. Mr. Krupa commented on the statements Mr. Dabinett made regarding the Administrator's contract.

Mr. Snyder made a motion to close the meeting to the public. Seconded by Mr. Martinez.

One more person wished to address the public.

Mayor Crowley commented there is a motion and a second on the floor it is up to the Council [ whether or not to close to the meeting to the public].

Upon roll call vote:

Ayes: None

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

Abstentions: None

Richard Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented on the conference at Atlantic City. Mr. Durina commented on a rumor regarding a driver using the Borough car. Mr. Durina gave two good reasons why the Borough needs a Board of Public Works. Mr. Durina referred to emails between the Borough Administrator and Anytime Fitness regarding their Water and Sewer bills, total due, the length of time that passed without a water bill and letter from Mr. Knutelsky regarding this matter. Mr. Durina asked for a Board of Public Works, this job very important. Mr. Durina referred to emails between Borough Administrator and Shop Rite Liquors regarding Water and Sewer usage and the length of time that passed before for the issue was resolved.

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

**OLD BUSINESS**

Mr. Giordano commented on vandalism down at the pond, there has been damage to the sign, eggs have been thrown at the sign it was kicked, he would like people to know we worked hard to pay for the sign. The sign is owned by everyone in this town, recreation tries to keep it nice.

Mr. Giordano commented on the town Engineer negotiating the bill with Anytime Fitness, correct him if he is wrong but that is not his job.

Mayor Crowley commented he makes the technical aspects for public works.

Mr. Giordano commented he doesn't set the bill.

Mayor Crowley commented it is set by ordinance, he determines what the technical situation is. Mayor Crowley commented the town engineer gets involved with the ordinance and making decisions as to what the ordinance is. Mayor Crowley asked Mr. Giordano if he was questioning the town Engineer.

Mr. Giordano commented in the email he was negotiating.

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Mayor Crowley commented he [the engineer] figured out how the ordinance was calculated for commercial EDU's. When he was on the Board of Public works he [the engineer] also did it for the Board of Public Works.

Mr. Giordano commented since we don't have a Board of Public Works it would be proper that the Council knows they are negotiating some type of payment to the Borough for a utility. He is a rate payer in the utility which means if this wasn't paid for in the amount that should have been paid for he is supplementing the businesses water and sewer and doesn't feel the rate payers would be all that happy. We need to come up with a way when a CO is struck the meter is read or zero whatever needs to be done and there is a checklist why it's done. Mr. Giordano commented on the situation with Shop Rite.

There was a discussion on the estimated bill for Anytime Fitness, reading water meters, whether or not to have a Board of Public Works or maybe combine with Land Use Boards, cost involved with having a Board of Public Works and having this on the agenda after the first of the year.

Mr. Durina interrupted the meeting, public if we have a Board of Public Works.

Mayor Crowley stated Mr. Durina you are out of order, please stop.

**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 November 4, 2014 from Senator Steven V. Oroho, Assemblywoman Alison Littell McHose and Assemblyman Parker Space to Honorable Jamie Fox, Commissioner NJDOT Re: MA-2015 Franklin Borough -00316 Grant Application Main Street Phase I.
2. Letter dated November 4, 2014 from Senator Steven V. Oroho, Assemblywoman Alison Littell McHose and Assemblyman Parker Space to Honorable Jamie Fox, Commissioner NJDOT Re: MA-2015 Franklin Borough -00317 Grant Application North Rutherford Avenue Phase I.
3. Letter dated November 6, 2014 from James C. Kilduff, Administrator to Ms. Marianne Smith Hardyston Township Manager, Re: Request for Proposal: Interlocal Agreement for Construction Services.
4. Letter dated November 6, 2014 from Alan Zalkind, Director Rutgers Center for Government Services, to Robin Hough, Municipal Clerk, Re: 53rd Annual Municipal Public Information Contest.
5. Letter dated November 6, 2014 from Thomas Knutelsky, Borough Engineer to James C. Kilduff, Administrator Re: Construction of Shared Use Recreational Paths at the Franklin Pond Park.
6. Township of Hardyston Resolution #76-14, Urging the New Jersey State Legislature to enact a 2% cap on tuition increases charged by County Vocational Technical High Schools to Local Sending Districts.
7. Information regarding a meeting dated November 13, 2014, re: Franklin, Hardyston and Sparta Ambulance Service.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction permit activity report for October, 2014.
2. Tax Department report for October, 2014.
3. Construction report for October, 2014.
4. COH report for October, 2014.
5. Zoning Officers report for October, 2014.
6. Municipal Court Report for October, 2014.

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7. Police Report for October, 2014.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Application for use of the Senior Center from Franklin Quilters for the first and third Tuesday in 2015 from 6:30PM to 9:00PM and Saturday March 21, 2015, Saturday May 16, 2015, Saturday July 18, 2015, Saturday September 19, 2015 and Saturday November 21, 2015 from 8:30am to 5:00PM
2. Application for use of the Senior Center from Roni Marie Preziosi for Private Party (Birthday Party) on December 21, 2014, from 10:00AM to 4:00PM.
3. Application for use of the Senior Center from Franklin Borough Recreation Commission for the tree lighting and to serve refreshments on November 29, 2014 from 12:00PM to 9:00PM.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 25, 2014.

Mr. Limon made a motion to approve the consent agenda of November 25, 2014. Seconded by Mr. Martinez.

Upon roll call vote:

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

**NEW BUSINESS**

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for November 6, 2014. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Adoption of Ordinance #11-2014

Mr. Snyder made a motion to adopt Ordinance #11-2014 "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$33,000.00 FROM WATER/SEWER CAPITAL IMPROVEMENT FUND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Giordano.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #11-2014.**

No one from the public stepped forward.

Upon roll call vote:

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

Resolution 2014-87 Court Fees by Credit Card

Mr. Snyder made a motion to adopt resolution 2014-87 authorizing award of contract-payment of Court Fees by Credit Card. Seconded by Mr. Giordano.

Monica Miebach, CFO explained the resolution.

Upon roll call vote:

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

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Resolution 2014-88 Property Tax Exemption

Mr. Snyder made a motion to adopt resolution 2014-88 authorizing the Tax Collector to refund the pro-rated share of the 3rd quarter taxes in the amount of \$1,151.01 and cancel the 4th quarter taxes for Block 607 Lot 41, 36 Nestor Street owned by George and Brenda Gunderman due to the Department of Veterans Affairs declared George Gunderman permanently disabled. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Martinez, Snyder, Zschack, Babcock

Nays: None Absent: None Abstentions: Limon

Mayor Crowley commented items #5 - 9 have to deal with Risk Management and Statewide Insurance Fund, we still don't have a specific rate. Mayor Crowley commented he feels this is the way to go he thinks they have done a good job, if you prefer to put this off until we get more information or we can go through it now.

Mr. Giordano commented he thinks we should table it.

Paul Messerschmitt, from D&H Alternative Risk Solution was present, the Borough's Risk Management Consultant.

Mayor Crowley stated it is up to the Council whether they want to discuss this at this point and asked if they had any questions for Mr. Messerschmitt.

Mr. Giordano asked when we [the Borough] would be seeing the rates.

Mr. Messerschmitt commented the rates usually come out about the second week in December.

Mr. Kilduff commented we had hoped to have them for this meeting, he had spoken to the executive director yesterday, she gave him some indication as to where the rates are going, they are going up because of the claims that have occurred over the last year. The best thing is to be certain as to what the new rates would be and to table this until the December meeting.

Mr. Giordano made a motion to table items #5 through #9. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Giordano, Martinez, Snyder, Zschack,

Nays: Limon, Babcock Absent: None Abstentions: None

Shared Service Agreement for Animal Control Services

Mr. Snyder made a motion to approve the shared service agreement between the Township of Wantage and the Borough of Franklin for Animal Control Services, the annual sum of \$11,295 payable in quarterly installments for the year 2015. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Zschack

Nays: Babcock Absent: None Abstentions:

Hillside Estates Mobile Home License Renewal

Mr. Snyder made a motion to approve the renewal of the 2015 Mobile Home Park Licenses. Seconded by Mr. Zschack.

Upon roll call vote:

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

Appointment of Police of Officer

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

Upon roll call vote:

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

Resurfacing of Davis Road - Section 1

Mr. Snyder made a motion for final acceptance for Resurfacing of Davis Road - Section 1 per Harold E. Pellow, P.E., President of Harold E. Pellow & Associates letter dated November 19, 2014. Seconded by Mr. Zschack.

Upon roll call vote:

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

Resurfacing of Cork Hill Road - Section 1

Mr. Snyder made a motion for final acceptance for Resurfacing of Cork Hill Road - Section 1 per Harold E. Pellow, P.E. President of Harold E. Pellow & Associates letter dated November 19, 2014. Seconded by Mr. Zschack.

Upon roll call vote:

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

**ADDENDUM**

Resolution 2014-89 Awarding of Contract

Mr. Snyder made a motion to adopt resolution 2014-89 awarding Marrocco Cooling & Heating Inc. a HVAC Maintenance Contract for December 1, 2014 to November 30, 2015 in the amount of \$6,270. Seconded by Mr. Zschack.

Monica Miebach, CFO explained the contract.

There was a discussion on the Maintenance Contract and cost of repairs without a contract. This was the lowest quote received by the CFO.

Upon roll call vote:

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

Resolution 2014-90 Awarding of Contract

Mr. Snyder made a motion to adopt resolution 2014-90 awarding the contract for Building Demolition at 429 NJSH (Block 606 Lot 29) to All County Services, LLC in the amount of \$38,000. Seconded by Mr. Zschack.

Upon roll call vote:

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

Waive Water fees for Sussex Borough

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Mr. Snyder made a motion to waive the fees for 7,500 gallons of water estimated at approximately \$65.00 provided to Sussex Borough during an emergency event on November 15, 2014. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: Zschack

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mr. Giordano asked if the Borough was going to put out requests for proposals in regards to professional services this year.

Mr. Babcock commented Mr. Kilduff and Mayor you are doing a good job.

Mr. Snyder wished everyone a Happy Thanksgiving.

Mayor Crowley wished everyone a Happy Thanksgiving.

**ADJOURNMENT**

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

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk