

**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 22, 2011**

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. Kulsar, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mrs. Gardell, Ms. Miller

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."

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, 2011 to Mayor Crowley and Honorable members of the Council from Donald and Nanette Devore RE: Eugene McInerney, Chief, Franklin Borough Police Department.
2. Letter dated November 8, 2011 to Marianne Smith, Hardyston Township Manager from James Kilduff, Administrator Re: Your Correspondence of November 7, 2011.
3. Letter dated November 9, 2011 to Mayor and Borough Council from Mark J. Hontz, Esq. Hollander, Strelzik, Pasculli, Pasculli Hinkes, Gacquin, Vandenberg & Hontz, LLC Re: Shared Services Agreement with Hardyston Township Municipal Utilities Authority.
4. Letter dated November 10, 2011 from Anna May Walsh, DASI Counselor and Community Events Coordinator.
5. Memo dated November 14, 2011 to Mayor & Council from Robin Hough Re: Hillside Estates License Renewal.
6. Memo dated November 15, 2011 from Keith Utter, Construction Official to Marianne Smith, Manager CC: Town of Newton, Hamburg Borough, Sussex Borough, Franklin Borough Re: Vacation Coverage.
7. Presentation & Public Hearing New Jersey's Water Infrastructure: When Success is the Only Option Wednesday, November 30, 2011.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for October 2011.
2. Zoning Officers Report for October 2011.
3. Tax Collector's report for October 2011.
4. Tax Collector's report for Hardyston for October 2011.
5. Tax Collector's percentage collected to 10-31-2011.
6. Municipal Court Report of Receipts and Disbursements

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Franklin Quilters for Use of Franklin Senior Center 1st & 3rd Tuesday of each month for 2012 from 7:00 PM to 9:00 PM.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 22, 2011.

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Mr. Giordano made a motion to approve the consent agenda of November 22, 2011. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

COMMITTEE REPORTS

Mr. Giordano reported on the sign that the recreation committee is working on. Mr. Giordano informed the Council the committee thought the best location for the sign was at the entrance that goes into the recreation area basically replacing the sign that is there now. The Recreation committee needs to get quotes on the electric.

Mr. Snyder reported they are still working on the chief of Police and DPW contract. Mr. Snyder informed the Council the need to start the process of hiring the new patrolman. Mr. Snyder would like to see the process start as soon as possible.

Mr. Zshack reported at the Planning Board meeting the Wal-Mart application was approved. It was a long process but it did pass. Mr. Zschack informed the Council that the property by Bagel Tree got there approval for putting a new façade on the building, sidewalk out front and other small improvements.

Mr. Kulsar reported there was a meeting on Friday with Pete Kalafut regarding the building at the pond.

Mr. Kilduff gave his administrators report which is on file in the clerk's office.

Mr. Kilduff reported there will be a pre-construction meeting with Midwest Construction (the low bidder) for the Master Street paving and sidewalk project is tentatively scheduled for next week. The contractor is expected to begin work on the sidewalk improvements. Paving will likely be delayed until the spring of 2012.

Mr. Kilduff informed the Council the Franklin Police Department and one of our officers have been named as third party defendants in a new civil action stemming from the late Sergeant Garrera's lawsuit against the gun club. In this new suit, the Franklin Revolver & Rifle Association is seeking damages in connection with an incident involving Sergeant Garrera's alleged injuries from a bullet ricochet in 2009. The matter has been forwarded to the Borough attorney.

Mr. Kilduff reported Tuesday, November 15th, was Monica Miebach's, first day of work as Franklin's new CFO. We welcome Monica to the Franklin family of employees; her knowledge and experience in municipal finance will be a great asset to the town.

Mr. Kilduff reported that Hillside Estates is seeking renewal of its mobile home park operator's license. The application is currently under review. Hillside Estates management has also applied for a 2012 automatic rent increase as permitted by ordinance. The automatic increase is based upon changes to the consumer price index. The index change from 2010 to 2011 was 3.9%. However, the Borough ordinance caps the maximum increase at 3.5%.

Mr. Kilduff reported the contract negotiations between Franklin Borough and the Franklin Borough Police Department Fraternal Order of Police, Lodge #57 are expected to begin shortly.

Mr. Kilduff informed the Council the Borough Clerk has sent a letter regarding part time return to work. More information has been requested by the Borough attorney.

Mr. Kilduff reported at the administrators request the new CFO is reviewing current payroll practices which pays certain employees in advance of days worked.

Mr. Kilduff informed the Council on issues regarding the back up well. The administrator recently placed calls to the section chief having been advised at first, there was no record of our permit application. In a follow-up conversation between the Borough engineer and Section Chief Jan Ghee, it now appears the NJDEP has located the permit application. The Borough Engineer now advises the permit application should be approved within a month after which we can bid the construction of the well modifications. Following the bid and construction the NJDEP must issue a well number for the new well, inspect and approve the modifications. This will be followed by a simplified modification permit. The Borough's water allocation should not change as a result of this installation.

Executive Session

An executive session is requested for personnel and contracts.

Mayor Crowley reported there will be a Christmas tree lighting at the pond on December 3. There was a discussion on the Holiday lighting on Main Street Franklin. Mayor Crowley informed the Council that the Borough was still picking up the brush from the storm; this is not an obligation of the town but the Borough is doing this.

Mr. Kilduff asked the DPW Supervisor to get him a proposal if the Borough was to go to an overtime situation to pick up the brush; he didn't authorize any overtime for that purpose.

OPEN PUBLIC SESSION

Mr. Snyder 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.

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

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting of November 8, 2011. Seconded by Mr. Snyder. (Absent: Zschack, Mayor Crowley)

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder,

Nays: None Absent: Gardell, Miller Abstentions: Zschack

Animal Control Services

Mr. Giordano made motion to approve an Interlocal Service Agreement with Wantage Township for Animal Control Services of 2012 at an annual rate of \$10,700. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

Redevelopment Studies

Mayor Crowley explained to the Council the resolution and adopting these additional lots in the redevelopment studies as recommended by the Planning Board. Mayor Crowley said this is only the study part of Redevelopment and it will come back to the Council. There will be open meetings on redevelopment; the lots that are added are to round out the possibilities of the property being redeveloped from the Mine area all the way out by Rowley Lumber or what was Rowley Lumber to Rt 23. Mayor Crowley asked if the Council had any questions. There was a discussion on adding the lots to the redevelopment study

Mr. Zschack made a motion to adopt a resolution adding additional lots to the Zinc Mine Study Area for Redevelopment as recommended by the Planning Board. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

Appointment of Crossing Guard

Mr. Snyder made a motion to approve the appointment of Tameka Grant for the position of substitute crossing guard at the current rate of \$13.15 per hour effective November 28, 2011 as recommended by Darlene Tremont. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

Risk Management Consultant's Agreement

Mr. Snyder made a motion to approve the Risk Management Consultant's Agreement for the 2011 fund year for Statewide Insurance Fund for Dietz & Hammer. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

SCUMA Rate Increases

Mr. Kilduff informed the Council that SCUMA will be holding a meeting on their proposed rate increases. Mr. Kilduff explained the increases. At this time a discussion will be held regarding SCUMA rate increases.

EXECUTIVE SESSION

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

Upon roll call vote:

Ayes: Giordano, Kulsar, Snyder, Zschack

Nays: None Absent: Gardell, Miller Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 7:49:26 p.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. Zschack made a motion to adjourn the meeting at 7:49:56 p.m., seconded by Mr. Giordano. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk