

**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  
December 11, 2012**

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: Ms. Gardell, Mr. Giordano, Mr. Limon, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar

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 13, 2012 from Don Lynch, Jersey Central Power and Light to Mayor Crowley.
2. Ogdensburg Ordinance #7-12 which will be considered for public hearing and final adoption on December 10, 2012.
3. Memo dated November 30, 2012 from Rachel Heath, Board of Health Secretary to Robin Hough, Acting Borough Clerk Re Board of Health Rabies Clinic.
4. Letter dated November 30, 2012 from Mayor Crowley to Margaret Rorick Beach Re: Oak Street Cemetery, Franklin Borough.
5. Memo dated December 3, 2012 from Rachel Heath, Board of Health Secretary to Mayor Paul B. Crowley Re: Board of Health Reappointments.
6. Letter dated December 4, 2012 from George T. Daggett, Esq. to Mayor and Council RE: Michael McInerney.
7. Letter dated December 1, 2012 from John Hatzelis, Administrator, Sussex County Municipal Utilities Authority to all SCUMA Customers Re: Adopted FY13 Rate Schedule.

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

1. Construction report for November 2012.
2. COH report for November 2012.
3. Tax Department Report for November 2012.
4. Police Department Report for November 2012.
5. Animal Control Report for November 2012.

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

1. Vending Machine License renewal for Wal-Mart.

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

1. Payment of bills for the meeting of December 11, 2012

Mr. Limon made a motion to approve the consent agenda of December 11, 2012. Seconded by Mr. Giordano.

Mrs. Gardell had a question regarding the Vending Machine license renewal for Wal-Mart.

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Mayor Crowley asked Mrs. Gardell if she would like the application removed from the consent agenda. Mayor Crowley stated if you want to discuss the the application needs to be removed from the constant agenda.

Mrs. Gardell stated to remove the vending machine application. Application number one.

Mr. Limon amended the motion. Seconded by Mr. Giordano.

Mayor Crowley stated we are voting on the consent agenda with the vending machine application removed.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

**COMMITTEE REPORTS**

Mrs. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Snyder requested an executive session to talk about personnel.

Mr. Limon reported a recreation meeting will be here at Borough Hall tomorrow night at 7:00 PM.

Mr. Zschack reported they are continuing with the interviews for police position.

Mr. Ursin, Esq. had nothing to report.

Mr. Kilduff reported some items from his administrator's report the full administrator's report is on file in the clerk's office.

Mayor Crowley reported he met with Dr. Bonnet this morning. Dr. Bonnet purchased the old Morley Shirt Building and is in the process of redoing the building; they will have a medical office. If everything goes as plans that medical office will be part of Skylands and have x-rays, lab core it will be a pretty big spot.

Mayor Crowley commented the Christmas tree lighting was well done and well attended. Everyone had a good time, children were happy with the presents given out. Recreation did a good job.

Mayor Crowley reminded everyone the reorganization meeting is January 1, 2013 at noon.

Mayor Crowley congratulated Mr. Kilduff son Brian; he was promoted to sergeant, he has had a very good career in the Army.

**OPEN PUBLIC SESSION**

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

Joann Tatka, 151 Maple Rd, Franklin, stepped forward. Mrs. Tatka questioned a letter on the consent agenda for correspondence regarding a withdrawal of police application for Michael McInerney.

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Mayor Crowley explained the Borough's policy regarding nepotism.

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 Mrs. Gardell. All were in favor.

**OLD BUSINESS**

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

**NEW BUSINESS**

Mayor Crowley asked Mrs. Gardell to explain her question regarding the vending machine application.

Mrs. Gardell stated the application for Wal Mart did not have the Red Box listed as a machine. She asked if that was a separate application.

Mayor Crowley stated he would have to have the Zoning Officer to go out to Wal-Mart.

Mr. Ursin commented he would look at the ordinance in regards to the matter.

Mrs. Gardell made a motion to approve what is here on this application. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

**Approval of Meeting Minutes**

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on August 14, 2012. (Absent: Kulsar, Snyder) Seconded by Mrs. Gardell.

Mrs. Gardell there is a spelling error that she had pointed out to the Clerk earlier on page one.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on November 27, 2012 (Absent: Kulsar, Limon) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

**Contract with Space Wild Animal Farms Inc.**

Mr. Zshack made motion to approve the contract between Franklin Borough and Space Wild Animal Farm Inc. for removal of deer carcasses from municipal road right a ways at a fee of \$40.00 per deer payable monthly. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

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Resolution 2012-88 Statewide Insurance fund Appointing Fund Commissioner

Mr. Zschack made a motion to adopt resolution 2012-88 appointing James Kilduff, Administrator, as the fund commissioner for Local Unit for the year 2013 and Darlene Tremont, Confidential Secretary to the Administrator as the Alternate fund commissioner. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-89 Appointing Risk Management Consultant

Mr. Zschack made a motion to adopt resolution 2012-89 appointing Wayne Dietz – D&H Alternative Risk Solutions its local Risk Management Consultant and the Borough Administrator authorized representative of the public entity and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant Agreement for the year 2013. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Risk Management Consultant's Agreement

Mr. Zschack made a motion to approve the 2013 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-90 renew liquor License

Mr. Snyder made a motion to adopt resolution 2012-90 authorizing the Borough Clerk to renew liquor license 1906-33-004-006 to Sullivan's Gas Light Inn. for the licensing year 2012-2013. Seconded by Mr. Giordano.

Mayor Crowley stated this is a pocket license; it is not active at this time.

Mrs. Gardell asked on the resolution it stated no address on file.

Mayor Crowley commented his address is in Vernon where they live there is no address for the liquor license because it is not active.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-91 tax refund

Mr. Snyder made a motion to adopt resolution 2012-91 authorizing the tax collector to refund the tax overpayment in the amount of \$3,221.84 to Monica Mahoney, 14 Fowler Street, Block 908 Lot 5. Seconded by Mr. Limon.

Mr. Kilduff explained the reason for the tax refund.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

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Resolution 2012-92 Appropriation Transfers

Mr. Snyder made a motion to adopt resolution 2012-92 Transfer of Appropriations (2012 Municipal Budget) in the amount of \$65,150 in accordance with N.J.S.A. 40A-58/59. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-93 CFO Appointment

Mr. Snyder made a motion to adopt resolution 2012-93 appointing Monica Miebach as Franklin Borough CFO. Seconded by Mr. Giordano.

Mayor Crowley explained when Monica passed the test last January the Council never took action even though her salary was raised at that time the Council should have taken action to make her the CFO instead of Acting CFO. This corrects that mistake; it is important to her for the people in Trenton to give her credit for being CFO the whole year.

Mr. Snyder asked if this goes back to the first of the year or when she passed the test.

Mr. Kilduff stated Mrs. Miebach took the examine in December she got notice that she passed on January 8. This would be for the whole year.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Discussion on PSAP contract with Sparta

Mr. Kilduff stated this has been provided to the Council earlier. Mr. Kilduff had asked the Council to table this contract until he contacted the Township manager, Mr. Troast over at Sparta. Mr. Kilduff asked Mr. Troast if Sparta would consider altering the termination clause. We have to tell them within 90 days of the end of the year. Mr. Troast was reluctant to make any changes to the contract in regards to the termination clause. Mr. Kilduff stated the Chief is very satisfied with the service that we get from Sparta. The increase is modest.

Mr. Kilduff stated if the Council is satisfied with the contract as it stands now; you could make a motion to approve it. Otherwise the Borough will be without a PSAP agreement as of January 1.

Mrs. Gardell asked if there was a three year contract.

Mr. Kilduff state there was.

The Council had a discussion on the three year contract vs. the five year contract and the County eventually offering the 911 service.

Mr. Frederick Babcock, Councilman Elect, from the audience stated he is going over to the County on Monday for a Chief's meeting. He will get some information, he was informed the system will be up and ready by the end of next year.

There was a discussion on waiting to approve the contract to the first of the year.

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Mr. Ursin advised the Council that their contract expires December 31, 2012; you don't have time to negotiate with another town.

Mayor Crowley stated since we do not have another meeting this year to approve the contract.

Mr. Zschack made a motion to approve the agreement with Sparta Township for the 5-year 911 PSAP services. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Municipal Software Inc.

Mr. Snyder made a motion to approve the Municipal Software Support and Maintenance Commitment with MSI. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-94 Participation in Passaic County Energy Cooperative

Mr. Snyder made a motion to adopt resolution 2012-94 confirming the contract price of \$0.0955/kwh for one year from January, 2013 through December, 2013 retail electricity service. Seconded by Mr. Zschack.

Mayor Crowley stated this was set up late.

Mr. Kilduff commented he just received the results a few days ago. That is why we had to do this as an addendum item; which he would prefer not to. Mr. Kilduff explained the resolution and saving to the Council.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Hillside Estates Mobile Home License Renewal.

Mr. Snyder made a motion to approve renewal of the 2013 Mobile Home Park License. Seconded by Mr. Limon.

Mayor Crowley stated Mr. Bolcato the Attorney for the Rent Leveling Board has indicated these increases are within the Scope.

Mr. Kilduff explained these increases are a standard license renewal. They renew their license every year. Mr. Bolcato reviewed the applications that were submitted. In his administrative report he mentioned there were two other separate items that are not related to the license renewal but they are related to Hillside Estates. One was the standard utility increase; he says standard because it is an increase that is mandated in the Borough's ordinance as an automatic increase. The other item was for an increase in rent which is 1.5 percent which is also covered as an automatic increase following Mr. Bolcato review of those applications.

Mr. Ursin said voting on this renewal will encompass all three things.

Mr. Ursin said there is no need for a hearing. What has happened here is the rent leveling board hasn't met; the license renewal and the increases that are before you

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are in the range that are considered automatic increases. So there is no need for a hearing; but since the rent leveling board hasn't met and approved these he thinks the Council should take the formal action.

Mr. Ursin said the vote will be on renewing the license and on the two increases that Mr. Kilduff mentioned. That way there is no doubt that it was formally approved for the upcoming year.

Mr. Kilduff said the motion would be modified to approve the 2013 mobile home park license as well as the mobile home park automatic rent increase for 2013 and mobile home park automatic utility increase for electricity for 2013.

Mr. Ursin said yes.

Mr. Snyder said he amends his motion to that. Mr. Limon stated second the same.

Mrs. Gardell asked about a second application.

Mr. Kilduff explained he made inquires with regards to this. The way the ordinance reads there is a limit as to the number of units that can be applied for a single license.

Mrs. Gardell commented they are two identical ones.

Mr. Kilduff stated yes and explained.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Master Street Improvements.

Mr. Snyder made a motion for final acceptance for the reconstruction of Master Street per Borough Engineer letter dated December 4, 2012. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack 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: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:22p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Mayor Crowley wanted the Council to know he had a certificate for Mr. Kulsar; he wasn't here tonight. Mr. Limon will be seeing Mr. Kulsar so Mr. Limon will give Mr. Kulsar the certificate.

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Mayor Crowley wished everyone Happy Holiday's. Next meeting is reorganization on January 1, 2013.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:23p.m., seconded by Mr. Giordano. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Acting Borough Clerk