

**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
February 13, 2013**

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, Mrs. Gardell, Mr. Giordano, Mr. Limon, 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."

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 January 21, 2013 from Sussex County Municipal Utilities Authority Re: Sewage Flows
2. Letter dated January 23, 2013 from James Kilduff, Administrator to Mr. Damian Ryan Re: Correspondence dated January 8, 2013 St. Patrick's Day Event.
3. Letter dated January 28, 2013 from John Ursin, Esq. to Jersey Central Power & Light.
4. Letter dated January 31, 2013 from Sussex County Board of Taxation, Melissa Rockwell, Tax Administrator to Mayor Paul Crowley and Township Committee Members.
5. Township of Andover, Resolution #R2013-44 Adopted by Andover January 28, 2013.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Animal Control Report for December, 2012.
2. Tax Department Report for January, 2013.
3. Police Department Report for January, 2013.
4. COH Report for January, 2013.
5. Construction report for January, 2013
6. Construction permit activity Report January, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending Machine License for Shop Rite 270 Rte 23 Franklin.
2. Vending Machine License for Coca Cola Refreshments USA Inc.
521 Lake Kathy Drive, Brandon, FL 33510.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 13, 2013.

Mr. Limon made a motion to approve the consent agenda of February 13, 2013. Seconded by Mrs. Gardell.

Mr. Snyder referred to the Police Department Report for January, 2013; he would like to see if we would be able to get an update on vehicles and mileage for January. The December mileage is submitted again.

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Mayor Crowley commented we will remove that from the consent report and ask that it be updated and put on next month.

Mr. Limon amended his motion. Mrs. Gardell amended the second.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mrs. Gardell had nothing to report.

Mr. Giordano reported the next recreation meeting will be next Wednesday. Plans for Franklin Night are proceeding, he met with the FOP president this evening they are going to put on the agenda for their meeting tonight to see if they are going to sponsor the fishing contest.

Mr. Snyder had nothing to report.

Mr. Limon reported there was a personnel meeting on the 25th of last month; himself, Mr. Snyder, Mayor Crowley, CFO and the administrator were there. The CFO was pleading her case for extra staffing in her finance office. Her office runs very lean and she read off a few items that her assistant does. The CFO requested to make her assistant full time, employee Pam Crum.

Mr. Limon stated one of his questions was do they have the money available this year. Right now Pam works 4 days at \$14.50 per hour; she would be increased up to 5 days and there isn't any schooling required for this. The CFO works in Franklin 4 days and at the County one day.

Mayor Crowley asked if this was a recommendation from the personnel committee.

Mr. Limon stated the personnel committee recommended they make it [the number of days] from four to five if the funding is there.

Mr. Zschack asked if the CFO was attending the QPA classes. Mr. Zschack asked if the Borough should have Monica work 5 days instead of bringing this person on.

Mr. Kilduff explained he had discussed this with Mrs. Miebach and explained the benefits of having this shared service with the County.

The Council had a discussion on making the finance clerk Pam Crum full time. Benefits was discussed.

Mr. Giordano brought up the workload was cut tremendously by not having that Hardyston agreement. Mr. Giordano said he does agree with the Council did cut really low. What concerns him is the benefits; that is a lot of money.

Mayor Crowley stated ultimately if you have good employees, if you don't let them come on eventually full time they will look elsewhere. Mayor Crowley commented he sees Monica doing clerk job and at her pay range to see her collecting money at the window doesn't make sense. We need a lower level person to do the clerks job.

Mr. Zschack asked if Monica held the title of CFO/ Treasurer.

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Mr. Kilduff said she doesn't hold the title of treasurer.

Mr. Zschack asked does Pam have that ability to be able to hold the title of treasurer.

Mayor Crowley commented he doesn't think without a lot of schooling; Pam does a great job but it is at a clerk level.

Mrs. Gardell asked what the starting salary would be.

Mr. Limon commented \$14.50 what she is at now.

Mrs. Gardell commented all these positions require educational training through the years so you know there is going to be outages; that is part of their duties.

Mr. Babcock stated it is the money situation that is an issue right now.

There was a discussion on budgeting for this full time position and having a stipend instead of giving benefits.

Mr. Giordano commented one thing we have to consider is don't we have other employees that are working 34 and a half hours specifically.

Mr. Kilduff said we do, two.

Mr. Giordano stated we need to take that into consideration because if we go over the threshold for benefits when we purposely didn't go over the benefits for others we need to be mindful of that.

Mr. Zschack stated is it possible to increase the hours without going full time or is it as the Mayor Stated when you have good employees you can lose good employees because down the road they can go get benefits.

Mrs. Gardell stated she agrees with the Mayor's position; if you have a good employee and you want them there and you are giving them the responsibility, sometimes being the only person being in that department, it makes sense to give them full time.

Mr. Babcock stated like Mr. Giordano just said there are two other people in the position of 34 hours and we can't just signal one person.

Mr. Giordano commented we would be better off going to the 34 and one half hours for now and then when we set the budget you account for this person to go full time with the possibility of the benefits. Right now it is easier to come up with an extra few hours that would work for the Borough now money wise.

There was a discussion on when to increase the hours.

Mr. Giordano stated we have employees in other areas that have been working at low rates for years; we need to make sure when we do these things we do them correctly and we apply them in the manner that does not upset anyone and cause them to leave.

The Council discussed Obama care and insurance.

Mr. Kilduff stated this was one of his recommendations in his staffing report and explained why this was brought to the personnel committee now.

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Mr. Zschack stated one of the important things to remember we had asked the Administrator for a staffing report and if at this point we go against that and say no the Borough can't operate the way the administration can see this building operating to its full potential.

Mr. Kilduff stated we will still have less staffing then we had in 2010.

The discussion continued on this full time position.

Mr. Giordano commented he thinks we can extend the hours he has no problem with that but he would disagree that we should make them eligible for benefits because at that point we have two other excellent employees that are working at 34 and one half hours that may have some type of feeling that we are giving more to this person and not giving what they have earned them and they have already been doing this for a year at 34 and one half hours. He doesn't think that is right to do that.

Mayor Crowley commented that is not the recommendation from the Administrator and CFO. We have to step aside and let them make the recommendations.

Mr. Giordano stated he was elected to make sure we don't pay \$23,000 in taxes for an extra half an hour a week.

Mayor Crowley asked Mr. Limon you are head of that committee do you want to make a motion or do you want to wait and get more information or bring it back to the Council.

Mr. Limon followed the recommendation of the committee.

Mr. Limon made a motion to hire Pam Crum for the 5th day at \$14.50 based upon the recommendation of the administrator and CFO.

Mr. Kilduff said full time status.

Mr. Limon said yes.

Mrs. Gardell asked when it would be effective.

Mr. Limon said immediately.

Mrs. Gardell seconded the motion.

Upon roll call vote:

Ayes: Babcock, Gardell, Limon, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

Mr. Limon mentioned the CFO was looking into Obama care. Mr. Limon requested executive session regarding personnel matters.

Mr. Zschack reported the public safety committee; unfortunately the candidate that was offered the patrolman's job has notified the Borough he would like his name withdrawn for consideration for that position. That puts the committee to a certain degree back to square one. The committee will be meeting shortly to determine the best course of action to take at this point.

Mr. Babcock had nothing to report.

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Mr. Ursin said he had one item to report on but it is in Mr. Kilduff's report.

Mr. Kilduff reported some of the items from his administrator report. This full report is on file in the Clerk's office. One item was regarding court attendants this Council should consider adding additional court attendants. Mr. Kilduff asked what he would like to do with the Council's permission is to interview and bring on additional Court attendants to be available in the event they are needed. This would just add them to the roster. Council members consented to this request. Mr. Kilduff continued with his report.

Mayor Crowley commented that the BPW has done a good job the last few weeks with the snow and ice, it has been very expensive. He has had a lot of comments from people that have indicated they are very happy with the job as it is performed.

Mayor Crowley informed the Council of a meeting regarding tax assessors.

Mayor Crowley talked about the inflow water due to the hurricane that went through and is treated as sewage. This is an area that we need to get involved with to see how the water is getting into the system.

OPEN PUBLIC SESSION

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

Dick Durino, 23 Lozer Road, Franklin, stepped forward. Mr. Durino is disappointed that he had to hire an attorney to protect his quality of life, my families safety and my property value. Mr. Durino commented that he feels his neighborhood is being thrown under the Walgreens bus. Mr. Durino read a section for the Franklin Borough Planning Board workshop meeting minutes dated June 17, 2009. Mr. Durino read a comment that was said by the Board Planner regarding a zone change. Mr. Durino requested the Council to amend the Borough's ordinance 9-2010 amending Chapter 161 of the Land Development also the Master Plan that was adopted September 2010.

Mr. Durino stated it is too late for his development; he would like the ordinance to be amended to notify adjacent property owners within 500 feet in writing when a commercial zone is moved into a residential zone.

Ms. Judy Stampone, 59 Woodland Road, Franklin, stepped forward. Ms. Stampone had a picture display to show the Council; this contained pictures of pieces of property that are not occupied on Route 23. Ms. Stampone read a letter she wrote to the Council regarding property in Franklin and businesses that try to come to Franklin. She is concerned about the difficulty for someone in Franklin to start a business in town.

Joann Tatka, 151 Mable, Franklin, stepped forward. Mrs. Tatka questioned borough employee increases. Mrs. Tatka asked about the official detour for the viaduct bridge. Mrs. Tatka asked when the reevaluation was done and referred to an article that was in the paper regarding Hopatcong reevaluation. Mrs. Tatka asked who was Midwest Construction. Mrs. Tatka questioned the jobs in the Finance Department. Mrs. Tatka commented on the redevelopment studies.

Dan Dougherty, Wildcat Road, Franklin, stepped forward. Mr. Dougherty stated he has heard a lot of talk regarding ratable. Mr. Dougherty questioned how much money the Borough will be pulling out of Walgreens per year.

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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. Snyder. All were in favor.

OLD BUSINESS

Mr. Babcock asked if there was a follow up on the matter of bike helmets. Mayor Crowley commented it will be looked into.

Mrs. Gardell asked about the I & I studies that have to been done.

Mayor Crowley commented the studies have never really been completed. That is one of the things that we need to spend money and get the I & I study going and completed and find out where in our system we are wasting all that money.

Mrs. Gardell requested to maybe get an updated report from Mr. Knutelsky, Borough Engineer regarding the I & I studies. Mrs. Gardell commented he doesn't have to be present but maybe a page or two as to where he is at with the studies. Mrs. Gardell explained reasons why we need to get this study completed.

The Council had a brief discussion on I & I.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on January 22, 2013. (Absent: Zschack) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Snyder

Nays: None Absent: None Abstentions: None

Resolution 2013-15 Approving the Maintenance Bond for Midwest Construction Inc.

Mr. Zschack made a motion to adopt resolution 2013-15 approving the maintenance bond #35445MB in the amount of \$8,808.24 for Midwest Construction Inc. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-16 Rescinding Petty Cash Fund

Mr. Zschack made a motion to adopt resolution 2013-16 rescinding the petty cash fund for the Clerk. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-17 Establishing a New Petty Cash Fund

Mr. Zschack made a motion to adopt resolution 2013-17 establishing a petty cash fund for the Police in the amount of \$400.00. Seconded by Mr. Babcock.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-18 regarding the development known as Miner's Cove

Mr. Zschack made a motion to adopt resolution 2013-18 regarding Miner's Cove to permit reimbursement of up to \$150,000 upon satisfactory completion of required site improvements. Seconded by Mr. Snyder.

Mayor Crowley explained the resolution to the Council. The Council asked questions regarding the resolution.

Mr. Zschack asked this is bond money it is not Borough money; that money can't be spent for anything else except on the project.

Mr. Ursin stated this is 100 percent bond money.

Mr. Giordano questioned in a sense we are paying for them to fix the property.

Mayor Crowley commented yes; with the money we received from the bond.

Mrs. Gardell asked what was the amount received from the bond.

Mr. Kilduff commented around \$200,000.

Mrs. Gardell stated then what would be the majority of the bond amount.

Mayor Crowley commented it is the majority of the bond amount but we are also holding back on the money to cover the Borough's expenses to call on the bond.

Mr. Giordano asked if we are obligated to give this money to them.

Mayor Crowley stated no.

Mr. Giordano commented we are giving them money to keep the property right that was forfeited by the previous developer. We are giving money that was given to the town and paying to make it nice so that another developer will come in and make money of it.

Mr. Ursin stated forfeited isn't even the right word, this bond was posted so that if the developer failed; either the Borough or subsequent developer could make the infrastructure improvements. The Borough sued on the bond, recovered the money the Borough does have flexibility with what you do with that money but one way or another the infrastructure has to be addressed.

The discussion continued regarding the resolution.

Mr. Ursin explained if the Council is to pass this resolution at the time we were in a law suit the engineer used a schedule of values which is how we came up with the numbers. This resolution does not obligate the Borough to pay anyone any dollar amount it is a representation by the Borough that if a new developer came there that these deficits in the infrastructure that currently exists that the Borough would be willing to negotiate up to that amount. This would be all part of a developers

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agreement this resolution is very general it is not a commitment we would get to the commitment point when we get to the developers agreement with specific tasks and priorities etc.

Mrs. Gardell commented there is nothing in the resolution that say details will be finalized in the developers agreement.

Mr. Ursin commented if you don't feel this is sufficient that can be added; this is not a binding agreement between you and any other party.

The discussion continued regarding the resolution.

Mrs. Gardell commented she doesn't like how the resolution was worded.

Mr. Ursin stated we can add the words subject to the execution of a developers agreement and to be consistent with the meeting.

Mr. Zschack amended his motion to add this. Mr. Snyder agreed with the amendment.

Mr. Limon stated Mr. Giordano had a very good point.

Mrs. Gardell commented it does say up to \$150,000 and if we have an amendment that says the details to be finalized with the developers agreement that gives us latitude to change the amount.

Mayor Crowley stated Mr. Zschack made the motion and Mr. Snyder seconded the motion with adding that phrase in the resolution.

Upon roll call vote:

Ayes: Babcock, Gardell, Snyder, Zschack

Nays: Giordano, Limon Absent: None Abstentions: None

Introduction Ordinance #1-2013 Authorizing Lease Agreement Between the Borough of Franklin and Northwest New Jersey Community Action Program, Inc.

Mr. Zschack made a motion to introduce an ordinance #1-2013 entitled " ORDINANCE AUTHORIZING LEASE AGREEMENT BETWEEN THE BOROUGH OF FRANKLIN AND NORTHWEST NEW JERSEY COMMUNITY ACTION PROGRAM, INC. FOR A PORTION OF MUNICIPALLY OWNED PROPERTY LOCATED AT GEORGE LABANCE LANE" Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Reading February 26, 2013.

Mr. Giordano asked about adding something regarding the cleaning. There was a brief discussion.

Mrs. Gardell stated for the record she thought the insurance requirements were kind of high.

Approval of the Littell Community Center 2013 Shared Services Agreement with Hardyston Township.

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Mr. Zschack made a motion to approve the Littell Community Center Shared Service Agreement for the year 2013 between The Township of Hardyston and The Borough of Franklin. Seconded by Mr. Babcock.

There was a discussion on the agreement.

Mr. Giordano commented on the costs for the Borough.

Upon roll call vote:

Ayes: Babcock, Gardell, Snyder, Zschack

Nays: Giordano, Limon Absent: None Abstentions: None

Resolution 2013-19 Consenting to the proposed Water Quality Management (WQM) Plan.

Mr. Zschack made a motion to adopt resolution 2013-19 consenting to the proposed Water Quality Management (WQM) Plan Amendment Entitled: Sussex County Water Quality Management Plan. Seconded by Mrs. Gardell.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley referred to the police report that Mr. Snyder removed from the consent agenda. We will get additional information on that for the next meeting.

EXECUTIVE SESSION

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

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:29 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. Giordano made a motion to adjourn the meeting at 9:30 p.m., seconded by Mr. Zschack. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk