

**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
June 11, 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."

COMMITTEE REPORTS

Mr. Babcock had nothing to report.

Mr. Zschack had nothing to report.

Mr. Limon requested executive session for personnel issues.

Mr. Snyder had nothing to report.

Mr. Giordano reported Recreation has a workshop tomorrow at 7:30 in the conference room. Recreation has their regular scheduled meeting next Wednesday.

Mrs. Gardell reported the ordinance committee discussed the proposed changes as to land development codes for commercial vehicles and recreational vehicles. Mrs. Gardell passed out to the Council the section on commercial and recreation vehicles and read into the record the proposed changes for this section.

Mr. Zschack commented the committee made some changes about a month ago; since then he had been driving around looking at some of the changes we recommend. After driving around observing this issue Mr. Zschack and Mrs. Gardell changed a few things from what they originally had. Mr. Zschack suggested for the Council to drive around, look at the different properties, the different size lots and see how these changes actually effect a lot of the properties.

Mrs. Gardell continued to read the land use code and suggested changes.

There was a brief discussion on the changes and a possible change of having a for sale sign on the recreation vehicle.

Mayor Crowley asked Mrs. Gardell what would be the next step.

Mrs. Gardell stated if the Council would consider this over the next few weeks, look around town at different situations to see how these changes would apply then discuss this next week. Have an ordinance drafted to make these amendments..

Mayor Crowley commented we will have another discussion at the next meeting this will be on the agenda. If everyone agrees with the changes we can have attorney write up the ordinance and advertise as an ordinance change.

Mr. Kilduff reported some of the items from his administrators report which is also on file in the clerk's office.

Mr. Snyder asked why the candidate with the conditional offer for a police officer withdrew his application.

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Mr. Kilduff commented no reason was given.

Mayor Crowley stated he gave the Borough a letter stating he is withdrawing [his application].

Mr. Snyder stated he was in the process a long time to have him withdraw at the last moment.

Mayor Crowley informed the Council and public there was a robbery at Michael's Jewelers during the day; it was a strong armed robbery. Mayor Crowley stated he is upset about this; this is a family owned business and has been in the town for years. Mayor Crowley sends his regards to the family. Mayor Crowley commented our chief of police with the help of the State police and prosecutor's office are investigating this.

Mayor Crowley congratulated the winners of the election, Nick Giordano, Dave Finale and Pat Rowett. They will be on the ballot in November to run for Council seats.

Mayor Crowley reminded everyone Franklin Night is June 29; if anyone can volunteer to help contact recreation.

Mayor Crowley stated Skylands Medical group is having an open house this Saturday along with a ribbon cutting ceremony.

Mayor Crowley commented the new owners of Scoops Ice Cream is having a ribbon cutting on June 22.

OPEN PUBLIC SESSION

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

Dick Durina 23 Lozar Road, Franklin, stepped forward. Mr. Durina commented on the appointment of the community development director as a class II appointment to the Planning Board. Mr. Durina gave suggestions of other possible candidates that could fill this position; the Planning and community development director filling this position is a conflict of interest. Mr. Durina commented on combining Zoning and Planning Board, give DPW contracts, have two open public meeting sessions during a meeting, and to continue negotiating with the DPW supervisor.

Steve Sluka, 84 Buckwheat Road, Franklin, stepped forward. Mr. Sluka stated he is in support of Brian Vandebroek, in giving him a contract and also the Borough employees deserve a contract. Mr. Sluka commented he served on the Council for two terms and Board of Public Works for many years. Mr. Sluka stated Mr. Vandebroek does an excellent job; he knows what is underground in this Municipality. The [DPW] men respect him; the people in town respect him. Mr. Sluka stated he doesn't want to see Brian Vandebroek leave this municipality and he supports him.

Glenn Soles, 5 Stanaback Road, Franklin, stepped forward. Mr. Soles asked is the Board of Public Works still a Board. He is the acting chairman and they have not had any contact with the Borough in over a year.

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Mayor Crowley replied "yes" it is still a Board; we haven't had anything come up that needs Board action. Mayor Crowley stated for Mr. Soles to give him a call to arrange a meeting.

Mr. Soles stated he is here to support Brian Vandebroek and all the guys in town.

Bob Allen, 24 Jenkins Road, Franklin, stepped forward. Mr. Allen stated he has known Brian Vandebroek since he came into town and has worked with him many times.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez commented he is here to support Brian Vandebroek as well but also to talk about the revitalization of the pond. We are suppose to form a committee Mr. Martinez asked about forming that committee.

Mayor Crowley stated he would call Mr. Martinez during the week to get something going on this. He would like to get a committee and that whole process going.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented water is the most important part and fact of life; Brian has saved the Borough a lot of money by having the employees doing the work that was contracted out. Mrs. Tatka commented on the problem with the geese down at the pond, the number of police officers the Borough has now, salary ordinance, memo on the last meetings consent agenda, police vehicles, replacement of Wes Suckey on the Planning Board, criminal conviction ordinances and veterans property tax exemption.

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 April 26, 2013 from Jody B. Shilan, Executive Director, New Jersey Landscape Contractor Association to Mayor Crowley and members of the Franklin Council.
2. Letter dated May 14, 2013 from NJDOT Michael Russo, Director of Division of Local Aid and Economic Development to Mayor Crowley.
3. Letter dated May 29, 2013 from James C. Kilduff, Administrator to Dena Confusion Re: Park Bench Donation.
4. Letter dated May 31, 2013 from James C. Kilduff, Administrator to Robert Vander Ploeg, III Re: Formal Employment Offer.
5. Letter from Sussex County Department of Engineering and Planning Re public information center to be held on June 18, 2013 at the Franklin Borough Municipal Building from 6:30-8:00 regarding County Bridge E-06.
6. Memo dated May 29, 2013 from Jim Kilduff, Administrator to Joe Drossel, Zoning Officer Re: Ordinance Enforcement.
7. Memo dated May 30, 2013 from Jim Kilduff, Administrator to Borough Employees Re: Raises.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health report for May, 2013
2. Board of Health report for April, 2013
3. Shelter/Pound Annual Report for the Calendar year 2012

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4. Police report for May, 2013
5. Tax Collector's report for May, 2013
6. Construction report for May, 2013
7. COH report for May, 2013
8. Police Vehicle Mileage Report May, 2013

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 11, 2013.

Mr. Zschack made a motion to approve the consent agenda of June 11, 2013.
Seconded by Mr. Limon.

Mr. Snyder referred to the letter regarding the grants on Junction and High Street.
Mr. Snyder commented it is a disappointment.

Mayor Crowley stated if you want to discuss the letter we need to pull the letter from
the consent agenda.

Mr. Giordano made a motion to pull the letter of the agenda. Mr. Limon stated he
would amend his second.

Upon roll call vote:

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

OLD BUSINESS

Mr. Snyder commented on the Edison School House project that he was asked to
look into in regarding John Sowden information. Mr. Snyder explained he met with
Mr. Sowden several times; the last time Mrs. Gardell and Mr. Snyder went down to
the church to see what had been developed. Mr. Snyder stated it still isn't moving
the way the town would want it; there is concern with the project itself and what Mr.
Sowden is asking for, getting a grant with USDA and the Borough would have to
extend the lease.

Mrs. Gardell stated she believes it wasn't a grant it was a loan. Mrs. Gardell read
part of a letter dated April 4 that is was a 30 year term.

Mr. Snyder explained this has been going on since 2006 and explained what has
been accomplished to date.

Mr. Snyder stated they are in violation now not doing what they need to do by the
lease. The Council was given paper work, he [Mr. Snyder] has additional paper
work going back to 2006. Mr. Snyder stated Mr. Sowden has come forth to ask the
Borough to consider this, their attorney Tom Prol was going to let the Council know
when he can make it. Mr. Snyder didn't want to wait for their attorney to discuss this
and asked if anyone from the Council had any questions or if they would like to have
a workshop regarding this.

Mayor Crowley informed the public that he is a member of the Historical Society; he
was on the original committee that put that church there. Mayor Crowley asked Mr.
Snyder as Council President to take over this. If Mr. Snyder would like to have a
workshop there are several dates for workshops we can utilize one of those or we
can wait for the Historical Society and Tom Prol, Esq. to be here also.

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There was a discussion on this project, lease and laps of insurance coverage,

Mrs. Gardell stated she thinks the Council needs the discussion on this building whether it should be completed or not; either way this could be a huge financial impact to the Borough. We need to realize there will probably be expenses to the municipality and it's our job to be proactive and control what those expenses are going to be and how they occur. Mrs. Gardell explained the funding so far; the Historical Society doesn't have the money now to make these improvements they are not going to be able to pay off a loan as well. We are almost half way into the lease now, should they finish the building and there is this loan they can't pay off, are they going to look to the Borough to pick up the debt.

Mr. Snyder commented he has correspondence going back to 2006 where Mr. Truran gave his report to the Mayor and Council then and a progression report that was given back from 2009 from the Edison School house project. Mr. Snyder stated the committee is small; who is going to do the work.

Mr. Babcock commented 25/30 years ago we had a solid building there.

Mr. Giordano stated his concern with the site is if we force any action on the lease, the money the Historical Society has spent in trying to preserve history; it would be ashamed to see that building demolished or destroyed. Mr. Giordano commented the Historical Society is having trouble getting grants because of the lease structure. He hopes we can work this out and redo the lease.

The discussion continued on the Edison School, the lease and the history of this project, possible costs to the Borough and whether to have a workshop or a discussion at a regular meeting.

Mr. Zschack stated he thinks he might have a conflict with this, because he worked on the original site plan and survey. Mr. Zschack commented he is not a member of the Historical Society but he donated a lot of time working on this. Mr. Zschack stated he needs to confirm whether or not he has a conflict.

Mayor Crowley commented he would talk to Mr. Snyder during the week; we can set up a time to further this discussion either a workshop or on the agenda. We will find out from the Historical Society when John Sowden is available and their attorney.

NEW BUSINESS

Approval of the Minutes

Mr. Zschack made a motion to approve the regular meeting minutes for May 28, 2013. (Absent: Mr. Snyder) Seconded by Mr. Limon

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Limon, Zschack

Nays: None Absent: None Abstentions: None

Resolution 2013-50 Tax and Water/Sewer refund

Mr. Zschack made a motion to adopt resolution 2013-50 authorizing the Tax Collector to refund a tax refund of \$1,497.05 and water/sewer refund of \$915.21 totaling \$2,412.26 for overpayment for Block 905 Lot 13 57-61 Main Street owned by Sejkzade Sabani. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-51 Appointing a certified Tax Collector

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46 MAIN STREET, FRANKLIN, NJ
June 11, 2013**

Mr. Zschack made a motion to adopt resolution 2013-51 appointing Theresa Schlosser Certified Tax Collector. Seconded by Mr. Limon.

Mr. Kilduff explained the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-52 Tax Identification Statement

Mr. Zschack made a motion to adopt resolution 2013-52 Tax Identification Statement. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Zschack stated he needs to abstain for number 5 (Resolution 2013-53)

Resolution 2013-53 Renewal of 2013-2014 Liquor License

Mr. Snyder made a motion to adopt resolution 2013-53 renewing liquor license for the 2013-2014 Licensing Term. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder,

Nays: None Absent: None Abstentions: Limon, Zschack

Resolution 2013-54 Authorizing the Firework Display for Franklin Night.

Mr. Snyder made a motion to adopt resolution 2013-54 authorizing the Firework Display for Franklin Night June 29, 2013 at the Franklin Pond Recreation Area. Seconded by Mr. Giordano.

There was a brief discussion on the resolution

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley referred to number 7, 8 and 9 on the agenda (Resolutions 2013-55, 2013-56 and 2013-57) had to do with veterans property tax exemptions. Mayor Crowley asked for those to be tabled so the administrator and attorney can go over the paper work to make sure everything is in order.

Mr. Limon asked on the refunds; the Borough has paid the Schools and the County; we [the Borough] are not receiving the refund back from them.

Mayor Crowley stated right, that is why we want to make sure everything is alright and will probably be on the next agenda.

Mr. Limon made a motion to table number 7, 8 and 9 [on the agenda Resolution 2013-55, Resolution 2013-56 and Resolution 2013-57]. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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June 11, 2013**

Resolution 2013-58 Estimated Tax Bills

Mr. Snyder made a motion to adopt resolution 2013-58 authorizing the Borough Tax collector to prepare and mail estimated tax bill in accordance with P.L. 1994, C72. Seconded by Mr. Limon.

There was a brief discussion on the resolution.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Maintenance contract with Morris County Elevator

Mr. Snyder made a motion to approve now amended 2 year maintenance contract with Morris County Elevator at a monthly rate of \$195 commencing July 1, 2013. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on redevelopment of Areas A, C, D and the west side of Area E and rehabilitation for Area B.

At this time there was be a discussion regarding the redevelopment of Areas A, C D and the west side of Area E and the rehabilitation for Area B as recommended by the Planning Board.

Mayor Crowley stated redevelopment passed through the Planning Board and is now coming to the Council. These are recommendations from the Planning Board all the paper work was sent to the Council. We have discussed this in the past; then the Council decided to wait until all the areas were looked at before a decision was made. Now the decisions that can be made is to table everything until further developers come forward or to go forward ourselves [as a Council]. The Council came up with a plan for Area E east because there was a developer involved and it looked like the project was moving forward; unfortunately Wal-Mart pulled out.

There was discussion on the redevelopment and rehabilitation areas, the recommendations of the Planning Board, costs to the Borough, how long to table moving further with these areas and waiting for interested developers.

Mayor Crowley commented he doesn't think we need to take action on this; bring it back [to the Council] if the Borough gets an interested developer.

Discussion on Detour for Bridge E-06

Mayor Crowley explained the detour, it is being brought to the Council because the County asked the clerk to sign the plan. This makes it the Council's responsibility to approve the detour.

Mr. Kilduff explained the background to the detour for Bridge E-06.

Mr. Limon made a motion to have the clerk sign off on the plan. Seconded by Mr. Snyder.

There was a brief discussion on the detour, additional signage and barricades.

Upon roll call vote:

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June 11, 2013**

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

Discussion on purchasing a police car

Mayor Crowley stated the CFO found out she can still get a police car as cheap as was discussed before. Mayor Crowley explained he had talked to the Borough mechanic John Rome regarding the police cars, one police car with 78,000 miles on it. This car he feels is going to go; and the Borough will have to start putting a lot of money into the car if we continue to use the car. This is regarding patrol cars, not the four wheel drives, chief car or detective car, these are the cars that go out for 12 hours come back in, that same car is utilized by the next shift. The patrol cars are driven hard they don't usually last. The patrol cars down by the town garage are for parts; our mechanic uses. In the past the old chief got all new; the present chief makes sure they reuse parts that can be taken off the old car so the light bars are reused, cages are reused and radios are reused. This brings down the costs. This was turned down before. Mayor Crowley stated he wanted to bring this back as a discussion to see if the council wanted to change their minds.

Mr. Limon asked if this was the same price as a month ago.

Mayor Crowley stated yes.

Mr. Limon commented it is the exact same thing we voted on.

Mr. Kilduff stated \$27,590 [was the price]

Mr. Snyder asked if there was a car on order for next year already.

Mayor Crowley commented that is this one; the one we are talking about.

Mrs. Gardell referred to a police car 3102, 2009 Dodge Charge with 78,549 miles having problems with the engine and brakes. Mrs. Gardell stated you can get a new engine and brakes for a lot less.

Mayor Crowley commented they are going to 6 cylinder instead of 8 which makes this less expensive.

Mrs. Gardell asked the 2009 is an 8 cylinder. Did you get estimates for replacing with a 6 cylinder.

Mayor Crowley explained we are getting this from the State contract; if we don't get this within a certain time period we lose the price.

Mr. Giordano commented we have an excess of surplus vehicles. The last time we talked about this vehicle he wasn't in support of this. Mr. Giordano stated we have 4 excess crown Victoria's that the Borough could auction off to offset some of the purchase of the police car. Mr. Giordano stated we also have 3102 which has 78,549 miles which is deemed unsafe because of the engine and brake problems. As a group decide if we are going to purchase a new vehicle we should offset the cost in auctioning off both 3102 and 4 surplus crown Victoria's.

Mayor Crowley stated all those vehicles are due to be auctioned. Nobody has had the time to get all the paper work; the borough used to go in with Sparta on the auction, they don't do that anymore.

Mr. Babcock commented we just can't keep giving money away; their budget line is a lot of tax money in town.

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Mr. Giordano stated when he first became Councilman that year the Council had to buy two cars because we had let the fleet dwindle, that hurt.

Mr. Zschack stated that is why he backed this the last time; the Council tried this years ago and ended up having to pay for two [cars] in one year. We budgeted for a police car more than what the cost of this one is.

The Council continued to discuss the purchase of the police car.

Mayor Crowley stated he feels the Council should get a patrol car every year otherwise you are not in a rotation and going to have a problem.

Mr. Snyder stated we had purchased a car every year he has been here except for that one year we didn't. Then we ended up paying for two vehicles the following year. We talked about any patrol car over 100,000 miles becomes a risk at that point. Mr. Snyder stated if the CEO says there is money in the budget to purchase a vehicle we should do that this year.

*Mr. Zschack made a motion to approve the purchase of a new police vehicle. The vehicle that was brought to the Council at the previous meeting for \$27,590.
Mr. Kilduff stated under State Contract number 82927. Seconded by Mr. Giordano.*

Mr. Limon asked if the sale of surplus vehicles can be made as part of the stipulation.

Mr. Kilduff commented the Council passed a resolution to auction several vehicles a while ago. He asked DPW to supply him with pictures and information needed to go into the auction pricing. Clearly there is a problem with the man power and getting all that information together. He can contact the auction company, have them do that for a slightly higher fee; this is probably the way to go at this point. Mr. Kilduff commented that would be his recommendation.

Upon roll call vote:

Ayes: Giordano, Zschack

Nays: Babcock, Gardell, Limon Absent: None Abstentions: Snyder

Mrs. Gardell asked to get some price quotes to get vehicle 3102 back on the road.

Mr. Kilduff commented he discussed the vehicle with the mechanic today. Mr. Kilduff wanted to point out the Borough does not ask their police to drive unsafe vehicles. The mechanic didn't report to him the vehicle was unsafe and explained problems the mechanic noted.

Mrs. Gardell asked if the price on this vehicle was valid until August.

Mr. Kilduff said yes you can revisit this at the next meeting.

Discussion on DPW overtime

At this time there was a discussion regarding the DPW overtime.

Mayor Crowley stated DPW has one man out; most of the DPW have been with the Borough many years and get a lot of vacation time.

Mr. Kilduff referred to an email from Brian Vandenbroek regarding man power. This was sent when Mr. Kilduff enquired about repairs to the playground. Mr. Kilduff wanted to get the work on the playground completed prior to Franklin Night and school closing. Now it looks like July due to the problems scheduling work crews

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46 MAIN STREET, FRANKLIN, NJ
June 11, 2013**

and when DPW staff are out on vacation. Most of the DPW staff is very senior with 5 weeks vacation. We have one man out and the Borough has cut back on the staff.

Mr. Zschack asked if the playground would be finished by Franklin Night.

There was a discussion on the work needed to complete the playground, pot holes in the road and over time to complete these two jobs.

Mr. Zschack stated the key word is safety.

Mr. Zschack made a motion to authorize the administrator to approve overtime for safety issues. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: Babcock

Mayor Crowley referred to the letter regarding grants that was pulled off the consent agenda. Mayor Crowley commented the letter was addressing two grants the Borough applied for and was turned down.

There was a brief discussion on the letter.

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. Babcock.

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 10:04:25 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 10:04:46 p.m., seconded by Mr. Giordano. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Municipal Clerk