

**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
JANUARY 11, 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: Ms. Gardell, Mr. Giordano, Mr. Kulsar, Ms. Miller, 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):

None

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

Police Department Report of December 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

None

Mr. Snyder made a motion to approve the consent agenda of January 11, 2011.
Seconded by Mr. Zschack

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Ms. Gardell reported that the BPW will be meeting on January 27th, 2011 to discuss garbage and review an application.

Attorney Ursin discussed that the funds have been deposited as per the settlement with Miners Cove.

Grant Rome, CFO and COO; reported that he met with Ms. Gardell, Mr. Sluka and Mr. Dorber to discuss the trash contract process. They discussed ideas on reducing tonnage. The Borough will be able to extend the current contract month to month. He received a memorandum that he passed on to the attorney regarding the 1.5% medical co-pay. The final SCUMA billing had a \$19,332.00 reduction which brought the yearly cost to \$990,125.00. The Finance Interlocal is ready, if there are no objections. He announced that there will be no trash pickup tomorrow. Tax Collections are behind \$55,000. He explained that a police car was in an accident.

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Mayor Crowley reported that WSUS reported wrong information regarding Franklin School, which should have been Frankford School. Mike Gunderman is ready for the storm. Town Hall will be open in the storm, unless there is a state or county state of emergency. He thanked the FOP for the give back of 1.5%.

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 Ms. Miller. All were in favor.

Joanne Tatka of 151 Maple Road questioned the residency requirement ordinance. Mayor Crowley explained that only the administrator's position had a residency requirement unless exempted by ordinance. She felt the Borough should make it a requirement that the Administrator applies for grants, noting that other towns are receiving grants. She questioned the accuracy of garbage collection reports and if ice skating can be allowed on the pond. Mayor Crowley explained that BPW will be looking into the garbage contract and he will speak with recreation about skating.

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. Zschack. All were in favor.

OLD BUSINESS

Mayor Crowley discussed the administrator position, in naming Jim Kilduff as part time Administrator and part time Zoning and Planning Director the Borough will save between \$90,000.00 to \$100,000.00 in salaries and benefits. The Mayor appointed Jim Kilduff as Administrator. Mayor Crowley recommended that Mr. Kilduff speak to the personal committee for specifics on a contract, and recommended the minimum one year contract and salary of the minimum of \$80,000.00, which would generate a savings to the Borough of \$100,000.

Appointment of James Kilduff as Administrator and Planning Director

Ms. Miller made a motion to confirm the Mayor's appointment of James Kilduff as Administrator and Planning Director, contingent on negotiation of acceptable terms to both parties and the presentation of a contract to the Council for approval. Ms. Gardell seconded the motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Miller, Zschack

Nays: Kulsar, Snyder Absent: None Abstentions: None

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on December 28, 2010. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: Gardell, Giordano

Introduction Ordinance #1-1011 Exempting Residency Requirements

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE EXEMPTING BOROUGH ADMINISTRATOR FROM THE RESIDENCY REQUIREMENT SET FORTH IN N.J.S.A 40A:60-6. Seconded by Mr. Giordano.

Mr. Zschack felt that the appointment should not be made by the Mayor. The Mayor replied that because Franklin is the Faulkner form of government the Mayor made the appointment. Mr. Ursin reviewed the statute and stated it requires the Mayor to nominate with advice and consent of the Council.

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Mr. Snyder agreed with Mr. Zschack. He expressed that the personnel committee spent much time to go through the resumes and picked those that were the most qualified for the administrator position.

Ms. Gardell felt all officers of the Borough should be included in the ordinance. Mr. Ursin stated he would have to see if other ordinances or statutes included residency requirements. The Council is amending only section 5-21 dealing only with the administrator, there is no advantage to doing it all at once. Ms. Gardell preferred including all the officers.

Mayor Crowley suggested sending the matter to the ordinance committee.

Mr. Zschack felt the committee should review the matter.

Mayor Crowley felt the Council should go forward with a vote on the administrator section and have the committee research the other positions.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Final Reading will be January 25, 2011.

Introduction Ordinance #2-2011 Amending Chapter 218 Signs

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 218 OF THE CODE OF THE BOROUGH OF FRANKLIN ENTITLED "SIGNS" AND AMENDING CHAPTER 161, "LAND DEVELOPMENT". Seconded by Mr. Giordano.

Mr. Ursin stated that this ordinance will be referred to the Planning Board for comment.

Mr. Gardell questioned section 218-6 paragraph A & B, can it be limited to one sign per applicant.

Mr. Ursin suggested changing "A" to "One" in that section.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Final Reading will be January 25, 2011.

Approval of Shared Service Agreement for Vehicle Washing

Mr. Zschack motioned to approve the Shared Service Agreement between Wantage Township and the Borough of Franklin for Vehicle Washing Equipment in the amount of \$20.00 per vehicle for the year 2011. Seconded by Mr. Snyder.

Mr. Rome stated that this is for the larger trucks; smaller vehicles go to the car wash.

The attorney explained that the DEP requires brine and salt water needs to be captured.

Mr. Zschack questioned the three day notice for scheduling.

Mr. Rome explained this is for sufficient room in the holding tank.

Upon roll call vote:

Ayes: Gardell, Kulsar, Miller, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

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Size Waiver for Temporary Sign for D.R. Horton, Inc.

Mr. Zschack motioned to waive the maximum size of a temporary sign to allow for one For Sale sign with a total of 32 square feet for D. R. Horton located on the property of G. S. Realty. The wavier is not to exceed one year. Seconded by Ms. Miller.

The Mayor explained that this is a large sign and DR Horton are selling the lots in Hardyston first. He explained that the waiver is for one year and felt that the project will exceed one year. He does not know if they have control over what the sign looks like. DR Horton is not the owner of the property, GS Realty owns the property.

Mr. Snyder questioned the developer's agreement from the prior owner.

Mayor Crowley explained that the developer went bankrupt so we need to generate another developer's agreement.

Mr. Ursin stated the prior agreement did not restrict which lots would be developed first. The new developer's agreement should be done within two weeks.

Upon roll call vote:

Ayes: Kulsar, Miller, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

Contract Approval for Jan-Mar Alarm Services

Mr. Zschack motioned to approve the 2011 monthly monitoring fees submitted by Jan-Mar Alarm. Seconded by Mr. Snyder.

Mr. Snyder questioned if there was an increase and was informed there was not.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Appointment of Economic Development Committee Members

Mr. Zschack motioned to confirm the Mayor's Appointment of the following Economic Development Committee Members for 2011:

Renee Smith, Suzanne Weeks, John Postas, Senator Steve Oroho, Steve Zydon, Judy Williams.

Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Zschack commented that on the first reading of ordinances there are a lot of questions and then we make changes that can cost us money. Mr. Zschack recommended that all ordinances should go to the ordinance committee before they are presented for first reading so that the input from the Council can be put into them.

Mayor Crowley will talk to the ordinance committee.

Mayor Crowley thanked Grant "Sam" Rome for filling in as temporary administrator for a couple of weeks.

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Mr. Rome asked the Council if they had any questions on the Hardyston Finance Inirelocal Contract.

Mr. Zschack needed more time to look at it.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 8:01 p.m., seconded by Mr. Zschack. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.