

**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
March 13, 2012**

Council President Mark Zschack 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, Mr. Limon, Mr. Snyder and Mr. Zschack.

Absent: Mayor Crowley

Council President Zschack led the assembly in the flag salute.

Council President Zschack 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

Council President Zschack 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 February 23, 2012 to Senator Sweeney from Marianne Smith, Township Manager Re: Senate Bill 959/Assembly bill 1811- Mandatory Fluoridation of Public Water Supplies.
2. Letter dated February 28, 2012 from Sussex County Board of Taxation, Melissa Rockwell Tax Administrator Re: Preliminary Equalization Table. (Table Attached)
3. Notice for Franklin Borough Board of Education School District Budget Statement for school year 2012-13.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Department Report for February 2012.
2. Building Department Report for February 2012.
3. COH Report for February 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending Machine License for Coca Cola machines located at Wal-Mart Franklin with corrected address for the location of Wal-Mart.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 13, 2012.

Mr. Limon made a motion to approve the consent agenda of March 13, 2012.
Seconded by Mrs. Gardell

Upon roll call vote:

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

COMMITTEE REPORTS

Mrs. Gardell had nothing to report.

Mr. Giordano reported the FOP contract is on the agenda tonight.

Mr. Snyder reported that he had a meeting with Brian Vandebroek regarding an agreement/contract with DPW employees. Hopefully this will be done by next month.

PAGE TWO OF THE MINUTES OF MARCH 13, 2012

Mr. Limon reported EDC had a meeting last week. Clean up date for Franklin is scheduled for May 19, 2012.

Mr. Kulsar had nothing to report.

Mr. Zshack reported the Council received the Administrator's report to review which is also on file in the clerk's office.

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 Mr. Giordano. All were in favor.

John Geddis 337 Rutherford Ave stepped forward. Mr. Geddis informed the Council that he was upset with the previous Zoning Officer. Mr. Geddis stated that he is trying to sell this property and denials by the previous Zoning Officer were the reason he had lost three different sales on his property.

Mr. Ursin explained to Mr. Geddis that if there is a decision for denial made by the Zoning Officer you can appeal that decision to the Zoning Board. Mr. Ursin suggested that Mr. Geddis meet with the Acting Zoning Officer to look in the file on his property for any written denials.

Elizabeth Geddis 337 Rutherford stated that she was very upset on how the previous Zoning Officer handled the situation. Mrs. Geddis stated that Franklin is not a business friendly town.

Mr. Ursin informed Mr. and Mrs. Geddis that the Council has nothing to do with Land Use; they need to meet with the acting zoning officer to look through the file regarding their property.

Bob Gerry, Vernon. Mr. Gerry was representing the Homestead. He passed out to the Council information on the Homestead. Mr. Gerry stated that the Freeholders want to close the Homestead. He explained to the Council reasons why the Homestead should not be closed.

Mr. Ursin informed the Council the Freeholders vote on their issues as a Council they can't comment on internal issues of the County.

Joann Tatka, 151 Mable, Franklin stepped forward. Mrs. Tatka is waiting for information from the town regarding where the reassessment areas were done in Franklin.

Mrs. Tatka informed the Council that the Girl Scout Garage Sale is scheduled for April 28 with a rain date being April 29. Mrs. Tatka question the hours of the part time secretary, the zoning error of the American Legion and shared services.

Emily Basilwitch One Mill Street, Franklin stepped forward. Mrs. Basilwitch stated her concern on the parking at the intersection by Immaculate Conception Church and County Road.

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. Giordano. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mrs. Gardell motion is in order to approve the meeting minutes of the Executive Session held on February 28, 2012 Seconded by Mr. Giordano. (Absent: None)

PAGE THREE OF THE MINUTES OF MARCH 13, 2012

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Resolution 2012-19 2011 Transfer Resolution

Mrs. Gardell made a motion to adopt resolution 2012-19, 2011 transfer of appropriation reserves. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Resolution 2012-20 Modification to the Calculation of the Tax collection Rate.

Mr. Snyder made a motion to adopt resolution 2012-20 Modification to the Calculation of the Tax Collection Rate by allowing full deduction of the Impact Tax Appeal Judgments on the Levy (therefore affecting the Reserve for Uncollected Taxes). Seconded by Mr. Limon.

Tom Ferry, Auditor for Franklin Borough explained resolution 2012-20 to the Council.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Introduction Ordinance #1-2012 To Exceed the Municipal Budget Appropriation Limits and to Establish a CAP BANK

Mr. Snyder made a motion to introduce an ordinance entitled "CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. Seconded by Mr. Limon.

Mr. Ferry explained the ordinance to the Council.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Final Reading: March 27, 2012

Resolution 2012-21 Authorizing Participation in Self-Examination Program of the Municipal Budget

Mr. Snyder made a motion to adopt Resolution 2012-21 Authorizing Participation in Self-Examination Program of the Municipal Budget for the 2012 Budget Year. Seconded by Mr. Limon.

Mr. Ferry explained resolution 2012-21 to the Council. Mr. Ferry stated the self examination resolution needs to be completed by the town every 3rd year on a rotating basis.

Upon roll call vote:

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

Nays: None Absent: Crowley Abstentions: None

Resolution 2012-22 Introduce FY 2012 Municipal Budget

Mr. Snyder made a motion to adopt Resolution 2012-22 to introduce the FY 2012 Municipal Budget. Seconded by Mr. Limon.

Mr. Ferry explained tonight was the introduction to the 2012 Budget; the public hearing will be held April 10, 2012. The advertisement for the budget will be in the newspaper on March 30, 2012

PAGE FOUR OF THE MINUTES OF MARCH 13, 2012

Mr. Ferry stated after the introduction the Council can change certain parameters. Mr. Ferry explained a handout of the Budget he gave to the Council. Mr. Ferry explained the tax rate for last year was .9011 or .90 cents this year's tax rate is .9375. The tax increase is .0363. A house assessed for \$100,000 the increase would be \$36.30 and for \$200,000 the increase would be \$72.60. Mr. Ferry explained line by line items on the hand out to the Council.

Council President Zschack stated we introduce the budget tonight then schedule a workshop to discuss the budget and notice the workshop in the paper.

Mr. Ferry stated we introduce the budget tonight; we can do an amendment to the budget, have a public hearing, introduce the amendment and then adopt the budget.

Mrs. Gardell asked if the budget can be placed on the website.

Mr. Ursin explained that once the budget is introduced it can be placed on the website.

Mr. Giordano thanked Franklin's CFO Monica Miebach for going a great job on the budget and working extra hours to have it completed for tonight's introduction.

PUBLIC HEARING: April 10, 2012

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: Kulsar Absent: Crowley Abstentions: None

Approval of FOP Contract

Mr. Giordano made a motion to approve a 3 year agreement between the Borough of Franklin and the Franklin Borough Police, Lodge, No. 57 for the period January 1, 2012 through December 31, 2014, providing salary increases of 1%, 1.5% and 2% for 2012, 2013 and 2014 respectively. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Zschack

Nays: Gardell Absent: Crowley Abstentions: Snyder

Resolution 2012-23 Police Promotions

Mr. Giordano made a motion is in order to adopt Resolution 2012-23 Approving Promotions within the Police Department. Mr. Giordano read the names of officers being promoted. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Zschack

Nays: Gardell Absent: Crowley Abstentions: Snyder

EXECUTIVE SESSION

The Council did not go into closed executive session on March 13, 2012.

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 8:10 p.m., Seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk