

**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
May 8, 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 Mr. Zschack led the assembly in the flag salute.

Council President Mr. 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 Mr. 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 April 20, 2012 to Mr. William Sabo, Business Administrator/Board Secretary from James Kilduff, Administrator Re: April 17, 2012 water main break at School Plaza Parking Lot.
2. Letter dated April 25, 2012 to Mr. John Hatzelis, Administrator from James Kilduff Re: Shared Service for Certified Recycling Professional (CRP).
3. Letter dated April 26, 2012 to Jim Kilduff, Administrator from New Jersey Legislative offices.
4. Letter dated May 1, 2012 to Commissioner James Simpson, New Jersey Department of Transportation from James Kilduff, Administrator, Re: State Highway 23 & CR 517 Dedicated left turn signal & Intersection Improvements.
5. Letter dated May 3, 2012 from County of Sussex Department of Human Services Re: Public Hearing Notice held by Sussex County Transit Citizens Advisory Committee on June 12, 2012.
6. Letter dated May 3, 2012 to Mr. Kilduff from Thomas L. Weisenbeck, Judge of the Superior Court Assignment Judge.
7. Letter dated May 4, 2012 from County of Sussex Department of Administration & Finance Re: Certification for Rescue Squad contribution.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction permit activity report for April, 2012.
2. COH report for April, 2012.
3. Tax Department report for April, 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for a raffle license for Immaculate Conception Regional School for May 11, 2012 place of raffle to be played Irish Cottage Inn.
2. Application for a raffle license for K.E.E.P Inc. for an off premise 50/50 for Thursday July 19, 2012.
3. Application to operate a Tattoo Parlor.
4. Application for renewal for a peddler's license for an ice cream truck.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 8, 2012.

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2. Resolution #2012-34 declaring May 19, 2012 to be Joseph and Ruth Prol Day

Resolution #2012-34 declaring May 19, 2012 Joseph and Ruth Prol Day in the Borough of Franklin in honor of the Golden Anniversary of their marriage.

Mr. Limon made a motion to approve the consent agenda of May 8, 2012. Seconded by Mrs. Gardell.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

COMMITTEE REPORTS

Mrs. Gardell reported electronic recycling waste will be this Saturday.

Mr. Giordano had nothing to report.

Mr. Snyder had nothing to report.

Mr. Limon had nothing to report.

Mr. Kulsar reported he spoke with the County and there are no issues with the sign. We don't need a road opening permit.

Mr. Ursin reported for the record that Mayor Crowley had an Emergency and Mr. Zschack took over the meeting as Council President. Mr. Ursin stated he had one comment to make when it comes time to approving the separation agreement with Mrs. Leasure.

Mr. Kilduff reported some of the items from his administrator's report 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 Mrs. Gardell. All were in favor.

Thomas Prol, Franklin, stepped forward. Mr. Prol thanked the Council for the resolution regarding his parent's 50th wedding anniversary.

David Fanale, 59 Liberty Lane, Franklin stepped forward. Mr. Fanale commented the new Borough Website looked good an outstanding job was done.

Sister Thomasina, Franklin, stepped forward. Sister Thomasina asked the Council to consider waiving the field fees for an event she was in charge of on September 29.

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. Giordano. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of the Meeting Minutes

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

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley, Zschack Abstentions: None

Mr. Snyder made a motion to approve the Executive Session meeting minutes held on April 24, 2012. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

Resolution #2012-27 Pre-Disaster Hazard Mitigation Plan

Mr. Snyder made a motion to adopt Resolution #2012-27, the Governing Body of the Borough of Franklin, Sussex County, New Jersey All Hazards Pre Disaster Mitigation Plan. (Tabled from April 10, 2012 and April 24, 2012 and amended May 8, 2012). Seconded by Mr. Limon.

Mr. Giordano stated he disagrees with the facilities that are still in the report. Immaculate Conception Church is still listed this is not going to be removed; he can not support the town of Franklin spending tax payers money on a church when we have the funds available or not this is improper it should not be on the list. There are other places more important like Newton Street. Unless this is done correct he will have to say no.

Mr. Kilduff stated by passing the resolution the town is not committed. He knows there was a discussion last meeting leaving the church in or removing it. He explained the reason why the six properties were left in the plan. If we take them out of the action plan they would not be able to get funding if there was a disaster.

The Council discussed the plan and whether or not Immaculate Conception Church should be left in the plan.

Mrs. Gardell stated she agrees with Mr. Giordano that she is not comfortable with the resolution.

The Council continued the discussion.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Zschack

Nays: Gardell, Giordano Absent: Mayor Crowley Abstentions: None

Resolution #2012-32 Separation Agreement

Mr. Snyder made a motion to adopt Resolution #2012-32 of the Governing Body of the Borough of Franklin approving separation agreement for Patricia Leasure. Seconded by Mr. Limon.

Mr. Ursin stated the Council is familiar with the agreement there was a few changes since the last time the Council saw the agreement. Mr. Ursin explained the minor changes.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

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Resolution #2012-33 supporting A-2717

Mr. Snyder made a motion to adopt Resolution #2012-33 supporting A-2717 extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

Resolution #2012-35 Construction related services

Mr. Giordano made a motion to adopt Resolution #2012-35 the Governing Body of the Borough of Franklin accepting the donation of construction-related services. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Mayor Crowley Abstentions: Kulsar

Resolution #2012-36 Purchase a Police Vehicle

Mr. Giordano made a motion to adopt Resolution #2012-36 the Governing Body of the Borough of Franklin to purchase police vehicle 2009 Jeep Liberty with 26,816 miles from the Franklin Sussex Auto Mall as recommended by Chief McInerney. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

Approval of Street Sweeping

Mr. Giordano made a motion to approve Prism Maintenance Inc., to Power Sweep approximately 50 miles of roadway within Franklin Borough. All material will be dumped in a designated area within Franklin Borough the amount of the service to be \$5,250.00. Seconded by Mrs. Gardell.

Mr. Zschack commented he has a concern paying for a service the Borough can do themselves. Mr. Zschack stated he grilled Mr. Kilduff today and he really did his homework looking into this all different ways; shared service and purchasing this seems to be the best solution at this time.

Mr. Snyder stated he has a problem with this he doesn't see spending the money on street sweeping when we don't need to have that expense at this time.

Upon roll call vote:

Ayes: Gardell, Kulsar, Limon, Zschack

Nays: Snyder Absent: Mayor Crowley Abstentions: Giordano

Approval of Part Time summer help utilizing Clean Communities Funds

Mr. Giordano made a motion to authorize the administrator to utilize Clean Communities funds to hire up to 5 students at \$7.25 per hour, up to 20 hours a week for 6 weeks during the summer and one adult student at \$9.50 per hour, up to 25 hours a week for 9 weeks during the summer. The work to be performed is litter control and related clean communities projects. Seconded by Mr. Snyder.

The Council discussed the hiring of students versus adults.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

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Resolution 2012-37 Vacancy with the Borough's Police Department.

Mr. Giordano made a motion to approve resolution 2012-37 approving filling the Borough's Vacancy within the police department. Seconded by Mr. Kulsar.

Mr. Giordano asked if we are going to use the list we established last year.

Mr. Kilduff stated we do have a list and we used that list once. It is his intention going forward to acquire a recent list of laid off police officers to established qualified personnel that we can bring in here and will shorten our time period to bring someone in here.

Mr. Giordano strongly supports using the old list; people paid to be on that list.

The Council discussed hiring from a list that was put together previously, many police officers laid off to hire, reasons for using a list and not using a list, PTC certified and if there is a time frame with the original list.

Mr. Ursin's advice to the Council is before you start the process of analysing candidates that you clearly articulate the pool of candidates and the criteria that you're going to use. There is a list that you only used once that list is available if you think that it's still timely and provides you the best pool of candidates. What Mr. Kilduff suggested is permissible. These days there is a State wide preference taking officers already trained and laid off.

Mr. Zschack asked if the resolution limits that pool and criteria.

Mr. Ursin commented this resolution authorizes the administrator to begin a search articulate the pool he was going to look at to begin the search the Council has the power to direct him to use a different pool.

Mr. Ursin said there are reasons for using a list and not reusing a list as long as you articulate what the pool is going to be in advance that is my advice to you it is your choice.

Mr. Zschack asked is this resolution stating we would not be using the list.

Mr. Ursin said no, the resolution is only directing the administrator to start the process and follow the ordinance which has more to do with publication. Mr. Kilduff announced what he was going to do.

Mr. Kilduff commented we have a need for another police officer if we can find someone with all the training behind him that is a plus for the Borough. We have a list we used once, if you want to go back to the list he will

The discussion continued having the ad state PTC certified and using the old list.

Mr. Ursin stated voting yes would authorize to start the search as Mr. Kilduff set forth and you are approving using the procedure that Mr. Kilduff has set forth.

Mr. Kulsar said the procedure isn't specific to PTC certified.

Mr. Kilduff said the direction he wanted to proceed was to acquire a list of experienced police officers meaning they would already be PTC certified and have experience as a police officer.

Mr. Ursin said his pool of candidates would be off the lay off list and whatever ads he is going to publish consistence with the ordinance.

Mrs. Gardell commented with the budget we were looking at entry level.

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Upon roll call vote:

Ayes: Kulsar, Limon, Zschack

Nays: Gardell, Giordano Absent: Mayor Crowley Abstentions: Snyder

Discussion on waiving fees for non-profit organizations

Mr. Zschack commented this was carried from the previous meeting. A summary from last meeting some of the Council do not want to waive fees for any non-profit and there is discussion about waiving fees for non profit. He thought the best resolution would be to have a 50 percent reduction for non profit across the board except for fire department and first aid they are a public entity of the borough; we help fund them.

Mr. Giordano made a motion to give back half the money to the train club. Mr. Zschack asked if there was a second. There was no second on the motion.

Mr. Kulsar said he agrees with Mr. Zschack 50 percent across the board.

Mrs. Gardell asked if it was all fees.

Mr. Ursin suggested if the Council can come to a decision on this tonight to have him look into an ordinance and have it codified.

The Council discussed whether or not to waive fees for non profits.

Mr. Zschack stated the consensus of the Council is to not waive fees there will be no action this evening. Mr. Ursin said no motion the ordinance on the book is as is.

Request to waive fees

Sister Thomasina Gebhard requested the Council members to waive the fees for her Arts, Crafts & Collectibles Festival; as they are a non-profit organization serving the community

Mr. Ursin said this was a discussion on the agenda.

Mr. Zschack asked if anyone wanted to make a motion regarding waiving the fees.

No one made a motion.

Discussion on Saint Clare's Hospital in Sussex

There was a discussion regarding whether or not the Council should pass a resolution regarding the closing of Saint Clare's Hospital in Sussex.

Discussion on (Franklin Night and Fireworks)

Mr. Kilduff stated he received two estimates for fireworks. The expense for the fireworks is 5,000 not including permit fees. There was a discussion on which account to pay for the fireworks.

Mr. Limon made a motion to use the trust fund account for fireworks and to approve a resolution using Garden State for the next meeting and authorizing Mr. Kilduff to execute a contract with Garden State. Mrs. Gardell asked the amount. Mr. Kilduff said \$5,000 plus \$331.00 for permits. Seconded by Mrs. Gardell.

Mr. Ursin stated last year we went through the exercise to make sure the contract we had with Garden State meets New Jersey requirements we will use the same contract as last year. Mr. Ursin commented he would work with Mr. Kilduff on that matter.

Upon roll call vote:

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

Nays: None Absent: Mayor Crowley Abstentions: None

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EXECUTIVE SESSION

There was no Executive Session.

MISCELLANEOUS COMMENTS

Mr. Kulsar updated the Council on Franklin Meadows and the situation with the trash compactors.

There was a brief discussion on the School and the solar project that is being proposed. Mr. Kilduff stated that he referred this matter to the Planning Board Attorney.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:15 PM, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk