

**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 12, 2012**

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. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Kulsar, Limon

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."

Mayor Crowley announced the discussion on redevelopment of Area E is not the hearing there will be no action taken on this. The Council is only to discuss when there will be a hearing; anyone that sent a letter objecting to this will be notice by mail.

Mayor Crowley informed the Council and the public of the passing of Franklin Borough's Ex Fire Chief Tatka.

**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 May 21, 2012 to Genevieve Raganelli, Acting State Registrar from Robin Hough, Franklin Borough Registrar Re: Appointment of Deputy Registrar.
2. Letter dated May 24, 2012 to Marianne Smith, Hardyston Manager from Jim Kilduff, Administrator Re: Interlocal Construction Services Contract.
3. Letter dated June 4, 2012 to Ms. Judy Jones, Permitting Specialist, Solar Energy from Jim Kilduff Administrator Re: Franklin Elementary School Solar Project.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction report for May, 2012.
2. COH report for May, 2012.
3. Tax Department reports for May, 2012.
4. Police Department report for May, 2012.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Application for a Raffle license for Walkkill Valley Little League to be held on June 30, 2012 at the Franklin Pond Recreation Area.
2. Application for a License for a gaming trailer to be held on June 30, 2012 at the Franklin Pond Recreation Area.
3. Application for a Raffle license for HSA Immaculate Conception Church to be held on September 9, 2012 at the Franklin Fireman's Pavilion, Parker Road, Franklin.
4. Cub Scout Pack 90 to hold a Soap Box Derby Sunday July 8, 2012 On Main Street from 9:00AM to 5:00PM.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 12, 2012.

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Mr. Zschack made a motion to approve the consent agenda of September 12, 2012. Seconded by Mr. Snyder.

Mrs. Gardell requested two items to be pulled from the consent agenda for discussion. Voucher number 107857 to Nelson Consulting and voucher number 17914 to Wal-Mart

Mr. Zschack amended his motion with those to comments. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

**COMMITTEE REPORTS**

Mr. Zschack had nothing to report.

Mrs. Gardell reported on drainage on Evans Street and having a resolution.

Mr. Giordano had nothing to report.

Mr. Snyder reports there will be the discussion on the agenda concerning Clerical work.

Mr. Kilduff gave his administrator's report which is also on file in the Clerk's office.

Mayor Crowley reported Franklin Night will be coming up we are hoping for good weather; it should be a good time. Mayor Crowley commented on an article in the paper regarding COAH this is good for the Borough the 180,000 in our housing plan will stay there for awhile.

**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. Snyder. All were in favor.

Kathleen Glenn, 19 John Wilton Street, Franklin stepped forward. Ms. Glenn explained to the Council her concern over traffic on Rte 23 and safety of residents walking.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Ms. Basilwitch stated her concern of the possibility of apartments on the corner of Main Street. Ms. Basilwitch stated all the different stores that once were on Main Street. Her concern is an application that will be before the Zoning Board regarding first floor apartments on Main Street.

Mayor Crowley stated the application is before the Zoning Board for the first floor apartments on the corner of Main Street. The Mayor and Council do not have jurisdiction over that Board. It will be up to the Zoning Board if they grant that variance or not. Mayor Crowley explained to Ms. Basilwitch, you have very good points; you need to go to the Zoning Board the night of the hearing and repeat what you stated here tonight.

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 Mrs. Gardell. All were in favor.

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**OLD BUSINESS**

Mrs. Gardell stated there is still a lot of information not on the new website; for example minutes and Agenda's. Mayor Crowley commented we haven't had the staff to get the website up to code. Once the website is up to date, it will be easier to maintain.

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on March 13, 2012. Seconded by Mrs. Gardell. (Absent: Mayor Crowley)

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Mr. Zschack made a motion to approve the meeting minutes of the Workshop Meeting March 21, 2012. Seconded by Mr. Snyder. (Absent: Mayor Crowley)

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Mr. Zschack made a motion to approve the meeting minutes of the Executive Session held on May 22, 2012. Seconded by Mrs. Gardell. (Absent: None)

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution #2012-45 Authorizing Tax Refund for Overpayment

Mr. Zschack made a motion to adopt resolution #2012-45 authorizing the tax collector to refund the amount of \$2,055.65 for Block 706 Lot 14 also known as 55 Butler Street owned by Barbara Demarco and Thomas Dotero due to a refinance. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution #2012-46 Supporting a Veterans Cemetery in Sussex County

Mr. Zschack made a motion to adopt resolution #2012-46 of the Borough of Franklin Supporting the Initiatives of the Vietnam Veterans of America, Chapter #1002 and the Sussex County Board of chosen freeholders to site a veteran's cemetery in Sussex County. Seconded by Mrs. Gardell.

There was a brief discussion on the veteran's cemetery.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution #2012-47 Thanking First Responders

Mr. Zschack made a motion to adopt resolution #2012-46 of the Borough of Franklin expressing tremendous gratitude for the Borough's First Responders and commends them on their skills, professionalism and bravery with respect to the fire on

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Rutherford Avenue April 27, 2012 and all emergency situations that occur many times each week. Seconded by Mr. Snyder.

Mayor Crowley commented he had gone to the scene the day of the fire, several firemen and police officers were taken to the hospital. The first responders did a great job and surrounding towns also responded.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Resolution # 2012-48 Estimated Tax Bills

Mr. Zschack made a motion to adopt resolution #2012-48 authorizing the Borough's Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 1994, C. 72. Seconded by Mrs. Gardell.

Mayor Crowley explained why the Borough needs to spend out estimated tax bills. Mrs. Gardell asked about combining the mailing with another mailing. Mayor Crowley stated they have to go out soon.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Discussion on Redevelopment Area E

Mayor Crowley informed the Council that it was recommended by the Planning Board, the redevelopment of Area E. Mayor Crowley stated he would like to push this to be on the agenda as soon as possible. Formal notices will be sent to those people that sent formal objections and the notice will be in the paper. He would like this to be on the next meeting agenda for June 26, 2012.

Mrs. Gardell commented when the Council received the designation reports on Area A and Area B, there was a discussion to hold off all decisions until we got all five areas done and then decide what we wanted to do.

Mayor Crowley said he would agree with you; with the exception this area has developers actively involved with it and the other areas don't. We can take our time with the other two areas that are not completed. Area's A and B do not have developers actively involved in it. This is the only area that has developers waiting to move forward

Mr. Zschack stated we asked for five studies; the reason for five studies was to get all five studies and see what is the best action to go with. If we don't have all five studies in front of us how can we decide to go on one of them.

Mrs. Gardell stated in this particular application, there have been costs for the town; attorney fees, planners fees we need to be prudent as to the time we spend on this as a municipality. Mrs. Gardell asked about Area D.

Mr. Kilduff said area D will be on Monday's Planning Board Agenda.

Mayor Crowley commented Area C and Area D will be awhile. There needs to be notice and a public hearing by the Planning Board. Area E has developers that are actively involved with it.

Mr. Zschack stated he still thinks it goes against what the decision was to look at all five areas, decide from those five areas and we are not doing that.

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Mayor Crowley commented we can move forward at the next meeting with Area E.

Mr. Snyder stated this is not the choice of what we are all saying.

Mayor Crowley commented, the choice is if you want to have a hearing or not.

Mr. Zschack said the idea was to look at all five and see if any were economically feasible for the town to support the next step or the step after. If we are not looking at all five he doesn't know how we can make that determination.

Mr. Giordano commented this area is the only area that has active development and to go forward with the hearing. This would benefit the Borough. As a Council we should not risk this development; we should help it. This should take precedence over the other areas for that reason.

Mr. Zshack commented it does make sense that this is the only area with developers.

Mrs. Gardell commented perhaps the Planning Board can give us an idea how long it would take with the last two studies, are they looking to do simultaneous hearing.

Mr. Kilduff replied that's right.

Mrs. Gardell stated then we are only looking at a month or two delay; she would be inclined not to spend the cost of advertising.

Mr. Kilduff stated at the Council level notice doesn't need to be sent; the properties were already sent notices on the Planning Board level. At the Council level it is different the people that sent letters objecting get noticed after the fact; they have thirty days to object after that. The Council level is different at this point.

Mr. Zshack commented after listening to Mr. Giordano he could change his position and that each site needs to be looked at individually. He could change his position and have this on the agenda the next meeting. Mr. Zshack commented at the hearing we can decide if it is worth deeming it redevelopment.

Mr. Giordano made a motion that we have the hearing for Redevelopment of Area E at the June 26 meeting. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack

Nays: Gardell Absent: Kulsar, Limon Abstentions: None

Discussion on Sewer Service Area

Mr. Zshack asked if he should go to the addendum or do we need a discussion.

Mr. Kilduff stated the information is on the addendum.

Resolution #2012-49 Sewer Service Area

Mr. Zschack made a motion to adopt resolution #2012-49 adopting the Administrator's letter of June 12, as articulation of the Borough's concerns with the SSA map dated May 24, 2012 and requesting the NJDEP address these concerns. Seconded by Mr. Snyder.

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Mayor Crowley explained the concerns in the letter; it is a strong letter and the Council should support this letter.

Mr. Zschack commented all the meetings we had with DEP, are they really going to listen to anything in this letter.

Mr. Kilduff said NJDEP is requiring all comments to be in by July 15 on the sewer service map. Mr. Kilduff explained how he constructed the letter. Mr. Kilduff said he has to pursue this.

Mr. Zschack said, he agrees.

The Council briefly discussed Sewer Service and DEP.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Discussion on Part Time Clerical Work

Mr. Snyder made a motion to hire a part time clerical position for 4 to 6 weeks during summer vacation, up to \$8.00 per hour.

Mr. Snyder stated the personnel committee had discussed with the administrator, CFO and Mayor; the time constraints with getting the tax bills out and the filing of our new lot and block number. Mr. Snyder commented maybe look at a student and contact the guidance councilor.

Mr. Kilduff commented he had some responses; he was waiting until after tonight's meeting.

Mr. Snyder explained the money involved at \$8.00 dollars an hour for 4 to 6 weeks to do this job; he feels this is the way to do this work; we don't need someone at \$20.00 or \$30.00 an hour stuffing envelopes.

Mrs. Gardell said this is to help the finance department. Mayor Crowley said it is mostly finance department.

Mrs. Gardell said isn't the planning department requesting someone 4 hours a day five days a week, is there flexibility in that.

Mr. Snyder commented as the Mayor said it isn't our fault that we have to send out estimated bills.

Mr. Zschack said he seconds Mr. Snyder's motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Mrs. Gardell referred to the two vouchers that were pulled off the consent agenda. Mrs. Gardell questioned the voucher for Wal-Mart for Court attendants. This is a new line item cloths allowance for Court Attendants. It would be more appropriate to be uniform cost not allowance.

Mr. Kilduff said he would agree.

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Mrs. Gardell commented the other invoice for Nelson Consulting Group; the bill was for redevelopment studies. It was her recollection that it was a flat fee for the designation studies.

Mr. Kilduff explained the contract, his hourly rate and the total contract being \$18,900.

Mrs. Gardell commented Monica didn't know how it was set up.

Mrs. Gardell commented that the collection rates are down; we get reports from all the department heads there is no report from finance. Mrs. Gardell stated Mrs. Miebach told her there is a way to do a report; budget versus expenditures. Considering how lean things are this might be useful to keep an eye on how things are going.

Mr. Kilduff said this information is not a problem but this department is already strapped for time.

Mr. Zchack commented we get these reports in Sussex; it's not too crazy.

Mrs. Gardell said the CFO was not aware that Council only meets once a month during the summer; as things get tight she might want to meet with finance earlier than August in case there needs to be a freeze.

Mr. Kilduff replied he had conversation with Monica and the Auditor and see how we are doing and if things don't improve we might have to have a spending freeze.

There was a discussion on having additional meetings if needed.

Mrs. Gardell made a motion to approve vouchers 107857 and 17914. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar, Limon Abstentions: None

Mr. Giordano stated he wanted to bring up some old business concerning hiring the new police officer and wanted to know how it was going.

Mayor Crowley commented the Borough advertized and didn't get a great response. Mr. Kilduff is looking at a list put out by the State to see if we can get someone fully trained.

Mr. Giordano asked if we can go back to the list we had established and work off of both lists.

Mayor Crowley commented from talking to Mr. Ursin, he indicated that since the Council had directed the Administrator to go in one direction, he should exhaust those possibilities before we start changing everything.

Mr. Giordano stated he thinks we should be back to that list. He thinks it was a mistake going the direction the Council did; he explained why he thinks the Council should go back to the list that was established. He asked the Council to reconsider that decision and go back to the list that we have.

Mayor Crowley explained why the Council shouldn't be jumping around. The Council hasn't exhausted what the Administrator was told yet.

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There was a discussion on the list for hiring a police officer. Mr. Kilduff explained what he has done so far with the hiring of the police officer.

Mr. Giordano made a motion that we utilize the list we have and include Sussex County and Morris County in the rice list.

The discussion continued.

Mr. McBriar commented if the Borough changing midstream there could be legal problems.

(No one seconded Mr. Giordano's motion)

**EXECUTIVE SESSION**

There was no executive 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 8:11p.m., seconded by Mr. Giordano. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Acting Borough Clerk