

**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
August 14, 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. Limon, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar, Mr. Snyder

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."

PRESENTATIONS

Mr. Thomas Knutelsky, Borough Engineer, Harold E. Pellow & Associates discussed Water/Sewer, INI, Backup Well, Rt 23 South Pump Station and Evans Street. This was a lengthy presentation with discussion from the Council on the presented subjects.

Backup Well

Mr. Knutelsky explained by the end of the year water allegation should be up to what it should be.

Mrs. Gardell asked what is the time frame for the actual construction

Mr. Knutelsky stated if we start in October by the end of December in terms of actual construction.

Mrs. Gardell asked it mentions that the wells are on separate lots owned by the Borough.

Mr. Knutelsky stated they are not on separate lots owned by the Borough they are on lot previously known as lot 17.01 they are dedicated to the Borough.

Mrs. Gardell asked wouldn't that create a new parcel.

Mr. Knutelsky explained back in the 80's it was done it was in the deed as a portion of that lot.

Mrs. Gardell questioned if there should be a separate deed and if there was a subdivision.

Mr. Knutelsky continued to explained the deed and stated he could forward it to the Council.

Mr. Knutelsky explained well A and B are on Borough property and are part of the existing water now; well C is the back up for well B.

Mr. Limon asked if this will be the secondary source.

Mr. Knutelsky stated yes this will replace the pond.

Evans Street

Mr. Knutelsky stated they received the survey from Gardell Land Surveying LLC. Mr. Knutelsky explained the rock that needed to be removed; the pipe we have to use is 15 inches; we are waiting for three quotes for rock removal and should have the

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design for construction soon. Mr. Knutelsky stated the construction process shouldn't take long.

Mr. Knutelsky stated Master Street isn't on the list; he updated the Council on Master Street. Construction is nearing a close waiting on striping and cross walks. This should all be done within two weeks; he should have the paper work done and to the Council in a few weeks. Then send it to the state.

Rte 23 South Pump Station

Mr. Knutelsky explained to the Council repairs that are needed for the pump station. The pumps need replacement mostly due to age. Mr. Knutelsky explained they will be having a bid meeting and going through the bid process.

Mr. Kilduff stated the money has already been set aside for this project before there is a crises situation.

INI

Mr. Knutelsky explained Infiltration of inflow; in 2005 problem with infiltration, what was looked at in the past, flows in the Borough, in flow and explained what has been done as to looking into the problem by the Borough and looking into manholes in the Borough.

At this time the Council had a discussion and asked Mr. Knutelsky questions regarding INI.

State Aid Application

Mr. Kilduff stated DOT is now taking applications for local aid projects; last year we did not get the grant; Master Street was for the year before.

Mr. Knutelsky commented the state aid application is for paving and sidewalks; the applications are due October 16. Mr. Knutelsky recommended there are a number of streets that haven't seen paving in a while; Junction Street and High Street. High Street is the gate way into the Borough. As much as we would want to do Corkhill or Wildcat then explained why the State might not consider those streets. Mr. Knutelsky recommended looking at High Street, Junction Street, Buckwheat, Rutherford, and Main Street in that order. Mr. Knutelsky explained his recommendation for these streets. Mr. Knutelsky explained he would need in September the Council's decision on what streets to complete applications for.

Mr. Kilduff stated he would like to put this on the next agenda for the Council to make a decision.

Mr. Giordano questioned why Corkhill Road couldn't be considered. Mr. Knutelsky explained reasons why he didn't think the State would grant the application for Corkhill.

There was a brief discussion as to what streets the Borough should put applications into the State.

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 June 22, 2012, received July 16, 2012 from the Gary R. DalCorso State of New Jersey, Division of Taxation to Mayor and Council.

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2. Letter dated July 6, 2012 from State of New Jersey Highlands Water Protection and Planning Council to Mayor Crowley and Governing Body Re: Highlands Water Protection and Planning Council.
3. Memo dated July 9, 2012 from Lori Mitchener to Mayor & Council Re: Recreation meeting of 6-28-12.
4. Memo dated July 11, 2012 from Carrine Piccolo-Kaufer, Planner to Jim Kilduff, Franklin Borough Administrator Re: 2013 Franklin/Hardyston Drug Alliance GCADA Grant Application.
5. Letter dated July 12, 2012 Elaine A. Morgan, Clerk of the Board of Chosen Freeholders Re: Submittal of the future sewer service area maps for Sussex County as required by new legislation adopted January 2012 with a copy of the resolution enclosed.
6. Letter dated July 16, 2012 from James Kilduff, Administrator to Ms. Vicki Molloy-Schiavo, CEP Re: Franklin Borough Letter of Intent: Passaic County Energy Cooperative Pricing.
7. Letter dated July 20, 2012 from Marianne Smith, Township Manager to Paul Marino, Mayor of Hamburg Re: Littell Community Center and Recreational Services.
8. Letter dated July 20, 2012 from NJDEP to Franklin Board of Public Works.
9. Letter dated July 24, 2012 from Sean Thompson, Acting Executive Director of NJ Council on Affordable Housing to Mayor Crowley Re: Municipal Affordable Housing Trust fund Current Balance.
10. Letter dated July 31, 2012 from Thomas G. Knutelsky, PE Borough Engineer to Franklin Borough Mayor and Council Re: Dedication of Parcel #5 and Parcel #7 to Sussex County for Bridge E-07.
11. Letter dated July 31, 2012 from Richard E. Constable, III, Commissioner, Department of Community Affairs, to Mayor Crowley Re: Review of Area in need of Redevelopment Designation.
12. Updated on Project status – Bridge E-07 (Franklin Viaduct) Distributed August 3, 2012 from Sussex County Department of Engineering and Planning.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for June 2012.
2. Board of Health activity report for June 2012.
3. Municipal Court Report for June 2012.
4. Shelter/Pound annual Report for 2011.
5. Construction Permit Activity Report for June 2012.
6. COH Report for July 2012.
7. Tax Department Report for July 2012.
8. Police Department Report for July 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 14, 2012.

Mr. Limon made a motion to approve the consent agenda of August 14, 2012.
Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: None Absent: Kulsar, Snyder Abstentions: None

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COMMITTEE REPORTS

Mr. Zschack had nothing to report.

Mr. Limon reported Senior of the year luncheon will be Saturday October 20, 2012. We have to supply the plaque and sign.

Mr. Giordano reported the personnel committee met Friday; they discussed the hours and pay for the assessing clerk. The committee also discussed the police secretary leaving.

Ms. Gardell had nothing to report.

Mr. Kilduff reported some of the items from his administrator's report; the full report is on file in the clerk's office.

Mayor Crowley stated he has been in contact with Jim Williams working on the lease for the fire house and the land. Hopefully that will be ready for the next meeting. Mayor Crowley commented Chris Mainardi is doing a good job with the renovation in anticipation for the development behind the shopping center. Mayor Crowley informed the public he would be working at Shop Rite as a bagger to help feed the hunger program.

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.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked if the Zoning Officers 20 hours a week included the dog census.

Mayor Crowley stated that is separate and a separate rate.

Mrs. Tatka questioned copies of the ordinances and asked about the assessing clerk.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez brought three items to the Council's attention; safety in the park, mulching in the playground area, electrical down by the score board sign and paving by the pond where it looks like there was once a walkway.

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 Mrs. Gardell. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

There were no minutes prepared for approval.

Discussion with CFO Monica Miebach

Monica Miebach, CFO explained there are three audit recommendations; 1. Outside services; when the police department is needed to direct traffic; this is deposited in a separate account. In the past there was no individual accounts starting this year each vendor that uses this service will have an account. The vendor puts money in

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the account and the service will come out of the account we are required by law to refund the money to the vendor if it is not used.

Monica Miebach stated recreation and planning/zoning department needs to keep a journal. Planning and Zoning department did keep one but it wasn't a formal journal that the auditors wanted to see. Since then land use department has set up a formal journal.

Monica Miebach explained there will be a recreation journal kept and any deposits that come in for recreation have to be logged in this journal which is in the clerks office and will be balanced the end of the month. Lori Mitchener is very good she kept a copy of all checks but the auditor still needs a formal journal.

Mr. Giordano asked who was responsible for deposit journal; the secretary.

Mrs. Miebach stated a treasurer.

Mike Gunderman, Co chairman of recreation stated there isn't a treasurer. Ms. Mitchener is the secretary.

There was a discussion on recreation having a treasurer.

Mayor Crowley asked for a motion to accept the corrective action plan.

Resolution #2012-64 Accepting a Corrective Action Plan

Mr. Limon made a motion to adopt resolution #2012-64 accepting and approving the Corrective Action Plan for the Audit Report Year of 2011 for filing in the Borough Clerk's Office. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: None Absent: Kulsar, Snyder Abstentions: None

Recreation Budget Review

Mrs. Miebach stated she was asked to do a recreation budget review; she has taken every account that recreation has and did a three year analysis. She was asked to do a synopsis of Franklin Night. Mrs. Miebach stated Franklin Night usually runs into a deficit. Mrs. Miebach explained her recreation analysis to the Council.

Mike Gunderman 23 Jenkins Road, Franklin, member of recreation stepped forward. Mr. Gunderman stated for Council to look at the line item \$5,000 dollars for Fire Works, Franklin is one of the few towns that have fireworks.

Joe Martinez, 39 Woodland Road, Franklin, recreation member stepped forward. Mr. Martinez explained how recreation tries to get funds for recreation through donations.

Mayor Crowley stated the goal is to just let Council know what Franklin night is costing. It is a wonderful night but there is a cost associated with this and wanted the Council to be aware of the cost. Mayor Crowley stated recreation did a great job.

There was a brief discussion on Franklin Night.

Mr. Gunderman 23 Jenkins, stepped forward. Mr. Gunderman asked if someone could come up with a job description for the Recreation Secretary.

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Mayor Crowley stated recreation should appoint a treasurer and explained the secretary position is under the supervision of Mr. Kilduff.

Mayor Crowley thanked Monica for her explanation on the audit.

Mayor Crowley stated we will go to item 13 since our planner Ken Nelson is present. Since last time we asked Mr. Nelson to come up with a basic plan [regarding Redevelopment for Area E]

Discussion of Redevelopment Area E

Mr. Nelson referred to his plan dated August 9, 2012; it is divided into 5 parts. Mr. Nelson explained the history up to this point on Area E. It was decided to focus on the East side of area E Hardyston school property and Rowett property be removed from the area. That left 4 properties on the east side of Rte 23 and that is what is in the plan. Mr. Nelson explained the sections in his plan, the details of the plan, and the largest property in the plan which is the super Wal-mart site. The plan references the site plan approved for that property and how that property is important for the connector road. If Wal-mart doesn't begin in 24 months the Council and Planning should come back and revisit this plan. Mr. Nelson explained the other three properties are generally discussed in the plan. Mr. Nelson continued to summarize the Plan for the public and Council.

Mayor Crowley explained to the council if this is approved it will go to the Planning Board. It has to go to the Planning Board for review.

Mr. Ursin stated the Council needs two separate motions at this point; Mr. Nelson should be formally authorized to do this study. Because of the time constraints and the developer provided escrow; Mr. Nelson was authorized in advance to get the plan done because of the escrow to pay the fees. It is a report prepared for the Council it is appropriate for the Council to formally authorize the study.

Mr. Limon made a motion to authorize Mr. Nelson. Mr. Ursin commented for the Study of Area E East.

Mrs. Gardell asked about notice for the plan and people that objected.

Mr. Ursin stated they do not need to be notified for this.

Mayor Crowley asked for a second.

Mr. Giordano seconded the motion.

Upon roll call vote:

Ayes: Giordano, Limon, Mayor Crowley

Nays: Gardell, Zschack Absent: Kulsar, Snyder Abstentions: None

Mr. Ursin stated the second motion would be since Mr. Nelson has been authorized to do the study and since you have the study; to acknowledge the study tonight, refer it to the Planning Board for comments and return by the next meeting. Then at the next meeting have a resolution to amend a resolution authorizing the study removing of the two lots.

Mr. Limon made a motion as the Attorney stated. Seconded by Mr. Giordano.

Mayor Crowley commented he feels the meat and potatoes of this is the Group 5 development; this is a development of a scope that is being watched by the County

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and Freeholders. He recommends sending the plan to the planning Board for comments.

Upon roll call vote:

Ayes: Giordano, Limon, Zschack

Nays: Gardell Absent: Kulsar, Snyder Abstentions: None

Mayor Crowley asked Mr. Nelson if he wants to say anything in regards to item 14.

Discussion on Municipal Affordable Housing Trust Fund

Mr. Nelson commented the Borough has a spending plan and should use the funds. Because we don't know what the future Court will say with all this. Mr. Ursin state he agrees with Mr. Nelson the Borough needs to have these funds committed.

Adoption of Ordinance #2-2012 an ordinance to appropriate the sum of \$42, 000 from the capital improvement fund for drainage on Evans Street.

Mr. Zschack made a motion to adopt ordinance #2-2012 an ordinance to appropriate the sum of \$42,000 from the capital improvement fund for drainage on Evans Street. Seconded by Mr. Giordano.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #2-2012.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Gardell, Giordano, Zschack

Nays: Limon Absent: Kulsar, Snyder Abstentions: None

Adoption of Ordinance #3-2012 Setting range for salaries of certain officers and employees.

Mr. Zschack made a motion to adopt ordinance #3-2012 an ordinance setting range for salaries of certain officers and employees of the Borough of Franklin, County of Sussex and State of New Jersey for the year 2012. Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #3-2012.

Joann Tatka, 151 Maple Road, Franklin Stepped forward. Mrs. Tatka questioned salary for Council. Mayor Crowley stated it will be the same. Mrs. Tatka questioned are all salaries the same.

Mr. Ursin explained the salary ordinance.

Mrs. Tatka asked about the assessing clerk and police salaries, clerk in the police department and superintendent of water and sewer department.

No one else stepped forward from the public regarding ordinance #3-2012.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: None Absent: Kulsar, Snyder Abstentions: None

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Introduction Ordinance #4-2012 Authorizing the Conveyance of a portion of Susquehanna Street right of way and execution of a Quit Claim Deed

Mr. Zschack made a motion to introduce an ordinance entitles "THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE CONVEYANCE OF A PORTION OF SUSQUEHANNA STREET RIGHT OF WAY AND EXECUTION OF A QUIT CLAIM DEED FOR A PORTION OF A FORMER HIGHWAY" Seconded by Mr. Limon.

There was a brief discussion regarding the deeds, Mr. Knutelsky answered questions regarding the deeds and area needed for snow plowing.

Mrs. Gardell gave her concerns regarding the snow removal in that area and not wanting problems in the future with DEP.

Mr. Ursin stated we will work on this between introduction and hearing.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

Final Reading September 11, 2012

Resolution #2012-58 Passaic County Energy Coop pricing agreement.

Mr. Zschack made a motion to adopt resolution 2012-58 for member participation in the Passaic County Energy Cooperative Pricing System id#184PCECPS; a resolution authorizing the Borough of Franklin to enter into a cooperative pricing agreement. Second by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

Mayor Crowley asked CFO Monica Miabach to explain the next two resolution regarding cancellations of funds. Mrs. Miabach explained the next two resolutions: resolution 2012-59 cancelling unexpended and dedicated balance of Water Sewer Capital Appropriation from Ordinance #11-2006, date authorized June 13, 2006, purpose Improvements to Water/Sewer System, cancelled to The Capital Improvement Fund the amount of \$966.63. Resolution 2012-60 cancelling the following unexpended and dedicated balances of General Capital Appropriations; Ordinance 13-2007, date authorized May 22, 2007, purpose Fire Equipment in the amount of \$178.87, Ordinance 12-2008, date authorized September 9, 2008 purpose Various Capital Equipment in the amount of \$239.31, Ordinance 20-2009, date authorized December 8, 2009 purpose Various General Capital Purchases in the amount of \$206.80.

Mr. Ursin stated the Council can vote on the two resolutions

Mr. Zshack made a motion to adopt Resolution #2012-59 and Resolution 2012-60 as explained by Monica Miabach. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

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Resolution #2012-61 Alcoholism and Drug Abuse Grant

Mr. Zschack made a motion to adopt resolution 2012-61 authorizing the submission of an application for the 2013 New Jersey Governor's Council on Alcoholism and Drug Abuse Grant. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

Resolution #2012-62 Authorizing Issuance of Bond Anticipation Notes

Mr. Zschack made a motion to adopt resolution #2012-62 authorizing the issuance of not exceeding \$1,170,125 Bond Anticipation Notes of the Borough of Franklin, In the County of Sussex, New Jersey. Seconded by Mr. Limon.

Mrs. Miabech stated they roll over every year; the Borough did get a good rate.

Mayor Crowley commented we do this every year.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

Resolution #2012-63 Cancellation of Funds

Mr. Zschack made a motion to adopt resolution# 2012-63 cancelling the following unexpended and dedicated balance of General Capital Appropriation; Ordinance 11-2010, date authorized October 12, 2010, purpose Energy Direct in the amount of \$42,000. Seconded by Mr. Limon.

Monica Miebach explained the cancellation of these funds to the Council.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Zschack

Nays: Absent: Kulsar, Snyder Abstentions: None

Discussion of Assessing Clerk

Mr. Kilduff explained he had received a memo from the tax assessor and we are obligated to give him someone to help with clerical work. The Tax Collector is doing the work now but has many other duties. We would like to continue to use the temporary summer clerk for these clerical duties. Mr. Holzher had sent a memo stating all the clerical work that needs to be done. Mr. Kilduff commented after discussing this with the CFO, he put in the request with the personnel committee for 10 hours and an additional 5 hours to assist on the Finance side. Also when necessary the administrative side as well.

Mr. Giordano stated we had a personnel meeting we talked about the amount of work in the [Finance] office versus the amount of people in the office; the majority of work as far as the shared service in the finance department has gone away with the loss of the shared service agreement with Hardyston. There is about half the work for the tax collector and tax assessor because we are no longer doing Hardyston tax work. So we wonder how it could be with roughly the same amount of people we seem to be adding people to get less work done.

Mrs. Miebach stated she wanted to let Mayor and Council know that when Leigh left everyone was under the assumption she was doing Hardyston payables also she was not. Hardyston payables left this building three years prior to 2011; she was only doing 100 percent Franklin work full time.

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Mr. Kilduff stated now we have one full time person in Finance; the tax collector. Mayor Crowley commented the department also had Terry Beshada was working 80 percent of the time for Hardyston, but since she was here Ms. Beshada was available 100 percent of the time to work at the window. This worked to Franklin's advantage because of the way it was set up. Theresa was there and sometimes Sam helped at the window but he didn't need to. Monica is not full time you have one part time person; Theresa is the only full time person.

Mr. Giordano stated Theresa was assisting Scott with the tax assessing work and the nature of this position is what Theresa had been doing prior.

Mayor Crowley commented also as Mr. Kilduff was saying the extra time for this part time person would be used some on the administrative side. If you go back a few years at that time Mr. Wolak was full time now you have the administrator who is also Land Use Director so that is part time, you have a clerk that is full time, you had a deputy clerk that was full time. The Borough had several full time people there that haven't been replaced completely. Mayor Crowley stated the bottom line is when we made all of these changes we took away too many people. When he goes into town hall the employees are struggling to get the work done.

Mr. Kilduff stated the need is becoming apparent; Mrs. Gardell asked tonight where are the minutes. Mr. Kilduff commented Robin is continuing [with land use] we hope to have someone in land use soon, when he worked in land use he was full time and so was Robin. Now we are trying to cover land use and the administrative work as well. We are falling further behind on things like minutes because we are trying to keep up with other areas. Mr. Kilduff said we cut down significantly full time employees to part time employees and reducing staff to the point where it is difficult to function.

There was a discussion regarding the part time position and the need for additional help in the office. Mr. Zshack asked Mr. Kilduff to come up with a plan as to the help needed to run the Borough efficiently. There was a discussion on establishing a plan.

Mr. Giordano made a motion to have the temporary employee come back for the period of three months', salary not to exceed a total in that three months of \$1,440 dollars, 15 hours a week at \$8.00 per hour. Seconded by Mrs. Gardell. After a brief discussion the Council requested the plan by the first meeting in October.

Upon roll call vote:

Ayes: Gardell, Giordano, Mayor Crowley

Nays: Limon, Zschack Absent: Kulsar, Snyder Abstentions: None

EXECUTIVE SESSION

There was no executive session held.

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 9:29 p.m., seconded by Mr. Limon.

All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk