

**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
September 25, 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. Kulsar, Mr. Limon, 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):

1. Letter dated September 7, 2012 from Tammy Horsfield, President Sussex County Economic Development Partnership, Inc. to Mayor and Council Re: Sussex County Economic Development Partnership Award Nomination Category of Nomination: Municipal Award.
2. Letter dated September 17, 2012 from Robin Hough, Acting Borough Clerk/Certified Municipal Registrar to Tammy Horsfield, President, Sussex County Economic Development Partnership Inc.
3. Resolution #R2012-109 from the Township of Andover, County of Sussex, State of New Jersey
4. Notice from Elaine Morgan, Clerk of the Board of Chosen Freeholders regarding rescheduling of the regular meeting of the Sussex County Board of Chosen Freeholders.
5. Email dated September 19, 2012 from Betsy Towle to Mayor & Council subject Enough Abuse Campaign

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for August, 2012
2. Animal Control report for August, 2012
3. Construction permit activity report for August, 2012
4. Municipal Court Report for August, 2012

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 25, 2012.

Mr. Limon made a motion to approve the consent agenda of September 25, 2012. Seconded by Mrs. Gardell.

Upon roll call vote:

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

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COMMITTEE REPORTS

Mr. Kulsar had nothing to report.

Mr. Zschack had nothing to report.

Mr. Limon reported there will be a Recreation meeting tomorrow. He is going to ask Recreation to provide the entertainment for the senior dinner.

Mr. Snyder had nothing to report

Mr. Giordano had nothing to report.

Mrs. Gardell had nothing to report.

Mr. Kilduff reported some of the items from his Administrator's Report which is also on file in the Clerk's Office.

Mayor Crowley reported on September 20 he worked as a bagger at Shop Rite with three of Franklin's police officers for awareness of hunger. The mineral show is this weekend. The Fire Department Lease hopefully will be on for the next meeting and on Thursday is the Sussex County Economic Development award; the Borough is nominated for the Municipal award.

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. Snyder. All were in favor.

Pat Rowett, Franklin stepped forward. Ms. Rowett informed the Council of a letter she received from an independent accounting firm and a delay of checks being cashed.

Mayor Crowley explained to Ms. Rowett, the Borough has to be deposited within 48 hours.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen commented that she read in the local paper, Ogdensburg and Sussex received grants for revitalization of their Main Street and wanted to know why Franklin didn't receive any grants.

Mr. Zschack explained to Ms. Allen, Sussex Borough didn't receive a grant for Main Street; it was for Borough Road.

Mrs. Allen questioned the tax bills and the grant applications for High Street and Junction Street. Mrs. Allen stated, Main Street should be fixed up especially with the 100 year celebration coming up.

Mayor Crowley explained the tax bills. Mayor Crowley explained the recommendations for High Street and Junction Street grants, were recommendation by the Borough Engineer.

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

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Mr. Snyder asked if anyone has heard anything from Ms. Johnson regarding the grants she had sent out. Mr. Snyder commented; the Borough should contact Ms. Johnson regarding the grants.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on April 24, 2012. (Absent: None) (Not approved at the 09-11-12 meeting) Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on May 8, 2012. (Absent: Mayor Crowley) Seconded by Mr. Limon.

Mr. Zschack stated, he sees an error on the second page; there is a resolution that he thinks is just out of place and there is no vote on it. If you go further in the agenda, the order of the resolution is missing number 34.

Ms. Hough commented that is part of the consent agenda, she checked that when the minutes were being proofed.

Mr. Zschack said this is part of the consent agenda; then he has no further comments.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Snyder made a motion to approve the meeting minutes of the Executive Session held on September 11, 2012. (Absent: Kulsar, Limon) Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #5-2012 Appropriating the Total sum of \$15,000 from reserve for improvement to municipal Property

Mr. Snyder made a motion to adopt Ordinance #5-2012 " AN ORDINANCE APPROPRIATING THE TOTAL FUM OF \$15,000 FROM RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR FUNDING THE GENERAL CAPITAL PURCHASE OF A NEW POLICE BUILDING ROOF BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mrs. Gardell.

Mayor Crowley stated this was not out of the budget it is out of capital reserve.

Prior to final roll call, Mayor Crowley will open the meeting to the public for any comments regarding ordinance #5-2012.

Pat Rowett, Franklin, stepped forward. Ms. Rowett questioned the bat problem at the police station.

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Mayor Crowley stated that was one of the problems, it is a routine job to do the roof and what the Borough had done to take care of the bat problem at the police station.

No one else stepped forward, Mayor Crowley asked for a roll call.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

BOROUGH OF FRANKLIN

ORDINANCE #5-2012

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$15,000 FROM RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR FUNDING THE GENERAL CAPITAL PURCHASE OF A NEW POLICE BUILDING ROOF BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Borough of Franklin, County of Sussex, New Jersey, as follows:

Section 1: The sum of Fifteen Thousand dollars (\$15,000) to be utilized out of the Reserve for Improvements to Municipal Property is hereby appropriated for the following purpose:

For the General Capital Improvements of the police building roof for the Borough of Franklin.

Section 2: In connection with the amount authorized in Section 1 hereof, the Borough makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Borough of Franklin may lawfully make as general capital improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

ATTEST:

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on September 11, 2012, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on September 25, 2012 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

Robin Hough, Acting Borough Clerk

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Adoption of Ordinance #6-2012 Adopting a Redevelopment Plan

Mr. Snyder made a motion to adopt Ordinance #6-2012 "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 1601 LOTS 5, 6, 7 AND 8 (FORMERLY, BLOCK 70 Lots 7.05, 16, 17 AND 15 RESPECTIVELY)" Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley will open the meeting to the public for any comments regarding ordinance #6-2012.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder

Nays: Gardell, Zschack Absent: None Abstentions: None

**BOROUGH OF FRANKLIN
ORDINANCE NO. 6-2012**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
ADOPTING A REDEVELOPMENT PLAN FOR BLOCK
1601 LOTS 5, 6, 7 and 8 (FORMERLY, BLOCK 70,
LOTS 7.05, 16, 17 AND 15 RESPECTIVELY)**

WHEREAS, in accordance with the provisions of the New Jersey Local Redevelopment Housing Law ("LRHL"), N.J.S.A. 40A:12A-1, et seq., the Borough of Franklin ("Borough") previously designated Block 1601 Lots 5, 6, 7, 8 (Formerly Block 70, Lots 7.05, 16, 17 and 15 respectively) ("Property") as areas in need of redevelopment;

WHEREAS, in accordance with the provisions of the LRHL, the Governing Body of the Borough authorized the preparation of a redevelopment plan for the Property; and

WHEREAS, the planning consultant for the Borough, Nelson Consulting Group, has prepared a redevelopment plan entitled "Area E East Redevelopment Plan" for the Property, dated August 9, 2012 ("Redevelopment Plan"), a copy of which shall be maintained in the office of the Municipal Clerk for the Borough and is attached hereto and incorporated by reference herein; and

WHEREAS, the Redevelopment Plan shall be referred to the Planning Board for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7 prior to the final adoption of the within ordinance and Redevelopment Plan; and

WHEREAS, the Governing Body hereby determines that the Redevelopment Plan for the Property is necessary and appropriate; is in compliance with the dictates of the LRHL; and will result in the successful redevelopment of the subject Property, which has been declared to be an "area in need of redevelopment."

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Franklin, County of Sussex, and State of New Jersey, that the Redevelopment Plan is hereby adopted for the Property.

BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 40A:12A-4(c), the Governing Body of the Borough of Franklin is, and hereby shall be, designated the redevelopment entity with all of the authority, rights, duties and powers accorded to a redevelopment entity as set forth in N.J.S.A. 40A:12A-8.

BE IT FURTHER ORDAINED that the Borough of Franklin Zoning Map is hereby amended to identify the Property as being an area in need of redevelopment, as identified in the Redevelopment Plan.

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BE IT FURTHER ORDAINED that any prior Ordinances, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law, as the "Ordinance of the Borough of Franklin, County of Sussex, and State of New Jersey Adopting a Redevelopment Plan for Block 1601 Lots 5, 6, 7 and 8 (formerly Block 70, Lots 7.05, 16, 17 and 15 respectively)."

Paul B. Crowley, Mayor

ATTEST:

Robin Hough, Acting Borough Clerk

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Robin Hough, Acting Borough Clerk

Resolution #2012-68 Requesting Approval of items of Revenue and Appropriation

Mr. Snyder made a motion to adopt resolution #2012-68 requesting approval of items of Revenue and Appropriation. Seconded by Mr. Limon.

Mr. Kilduff explained the resolution to the Council.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Zoning Officer Appointment

Mr. Snyder made a motion to appoint Joe Drossel as Zoning Officer for the Borough to December 31, 2012. Seconded by Mr. Limon.

Mayor Crowley said, this is a confirmation appointment; it is actually a Mayor's appointment. It is actually a conformation of his appointment.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Review of 2012 Best Practice

Mayor Crowley explained in order to get State money you have to comply with best practices.

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Mr. Kilduff explained the two items the Borough didn't comply with; the pay to play ordinance that is more restrictive. That will be on the agenda next time. Mr. Kilduff read this item.

Mr. Kilduff stated, the item answered, no, was a formal recreation journal.

Mayor Crowley commented, if we do not pass this checklist, we will not get State aid.

Mr. Limon made a motion to accept the best practice document prepared by the CFO and have the Clerk certify it for Transmittal to Trenton. Seconded by Mr. Zschack

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

Discussion on the Rte 23 South Pump Station

Mayor Crowley stated they went out to bid; the lowest bidder is so low compared to others. He asked to hold off on this so the engineer checks to make sure he can comply the bid before we go with the lowest bidder.

Mr. Kilduff explained they want to make sure the lowest bidder is the most responsible bidder and they are correct with their numbers. The engineer is checking on these bid results. This will be on the agenda at the next meeting.

There was a brief discussion on the bids.

Discussion on background checks

Mayor Crowley stated we should do what is required by law. They will be working on a new ordinance to update background checks.

Resolution No 2012-69 Approval to submit a NJDOT grant application for the High Street project.

Mr. Snyder made a motion to adopt resolution #2012-69 approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the High Street Project. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Limon, Snyder *(After voting yes Mr. Snyder commented that he is not happy about going to High Street he would like to go to Main Street because of the 100th Anniversary; but he is saying "yes" to the grant application)*, Zschack

Nays: None Absent: None Abstentions: None

Resolution No 2012-70 Approval to submit a NJDOT grant application for the Junction Street project

Mr. Snyder made a motion to adopt a resolution #2012-70 approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Junction Street Project. Seconded by Mr. Limon.

Upon roll call vote:

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

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Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Giordano informed the Council; during a terrible rain storm, he was passing the Wallkill Valley First Aid Squad and the problem they were having with the water going into the building. Mr. Giordano requested maybe the DPW can put a small lip there to help direct the water in front of the building.

There was a brief discussion on the problem.

Mr. Snyder questioned some of the vehicles down by the Borough Garage that are not running, and maybe take to an auction and get the money from scrap metal back to the town.

Mayor Crowley stated, any vehicles the Borough is not using that should be looked into.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7:46p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk