

**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
October 23, 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 October 8, 2012 from John Shortino, Jr. Blue Diamond, to Jim Kilduff, Administrator Re: Vegetative Waste Collection Schedule.
2. Letter dated October 9, 2012 from Jeffrey C. Fletcher, Transbanc International Investors Corporation to Mayor Crowley and Council.
3. Letter dated October 9, 2012 from Richard E. Constable, III NJ Department of Community Affairs, to Mayor Paul Crowley Re: Review of Area in Need of Redevelopment Designation.
4. Letter dated October 10, 2012 from Arthur Ondish President of League of Municipalities to Mayor and Governing Body members re: 15th annual elected official Hall of Fame.
5. Letter dated October 11, 2012 from Sussex County Municipal Utilities Authority Re: Proposed FY 2013 Rates Schedule Effective December 1, 2012.
6. Memo dated October 16, 2012 from Jim Kilduff, Administrator, to Mayor and Council Re: Redevelopment Studies – Areas "C" and "D".
7. Email dated October 16, 2012 from Trish Springer, Confidential Assistant Clerk of the Board's Office to All County Clerks Re: Surprise reception for Freeholder Susan Zellman.
8. Memo dated October 17, 2012 from Theresa Schlosser, CTC to Jim Kilduff Administrator and Mayor and Council Re: Annual tax Sale held October 10, 2012.
9. 2012 State of New Jersey Department of the Treasury Division of Taxation Certification of the Table of Equalized Valuations.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Animal Control report for September, 2012.
2. Board of Health report for September, 2012.
3. Police Department report for September, 2012
4. Construction Permit Activity Report for September, 2012.
5. 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 October 23, 2012.

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

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar had nothing to report.

Mr. Zschack had nothing to report.

Mr. Limon reported the senior luncheon was a success; he suggested advertising more next year to increase the attendance.

Mr. Snyder reported the personnel committee meet; they discussed evaluating the administrator and regarding hiring an employee for water and sewer; instead of hiring one full time person hire two part time employees.

Mr. Giordano reported the Halloween parade will be Saturday. Recreation has a meeting tomorrow.

Mrs. Gardell reported there will be a hazard waste collection.

Mr. Kilduff reported some of the times on his administrators report. The full report is filed in the clerk's office.

Mayor Crowley reported the senior luncheon was a success; he thanked the Fire Department and Recreation. Mayor Crowley also reminded everyone that the Halloween Parade will be Saturday and Recreation will be having a meeting tomorrow.

PRESENTATION:

Scott Holzhauer Franklin Borough's Tax Assessors stepped forward for his presentation.

Mr. Holzhauer stated he had attended a meeting at the County Board of Taxation; he asked to be on the agenda to discuss Franklin doing a Reassessment for tax year 2013. He went there to see what their position would be. Mr. Holzhauer recommended Franklin do a reassessment in 2013. The Market has dropped, there was a loss of property value in 2010, the evaluation was October 2009 when the market was on the slide but it hadn't finished sliding yet.

Mr. Holzhauer explained to the Council; County and State tax appeals; commercial and residential appeals and how the appeal process works. He also explained that the town gets hit hard with the tax appeals. The School has no responsibility at all regarding the appeals. Mr. Holzhauer stated this year the Borough's tax appeals were considerably light; 2012 there was 38 County tax appeals. There has been some filed in the Tax Court. Most appeals have been resolved. Mr. Holzhauer stated the amount of appeals outstanding is not tremendous. Mr. Holzhauer explained the process and formulas used working on appeals and equalization.

Mr. Holzhauer stated in 2011 we had 32 County tax appeals and in 2012 we had 38 County tax appeals. These are small volumes but it could change.

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Mr. Holzhauser explained Reevaluation VS Reassessment. He checked with the firm that did the reevaluation to find what a reassessment might cost. In a reassessment not every property would be inspected; usually the properties that were not inspected at the reevaluation would be inspected at the reassessment. Mr. Holzhauser stated without the inspections the cost would be around \$20,000 and the cost can be spread out over 5 years. Mr. Holzhauser stated he thought it would be a good investment for the town and explained the process and how it would work.

Mayor Crowley asked Mr. Holzhauser what the time frame he would need to have an answer by the Council.

Mr. Holzhauser explained if you said yes to get the ball rolling nothing would happen for a long time. All that would happen initial he would send a letter to the company that did the revaluation and you can sit on it until next year. Then wait until next year's budget and that when you can use the 5 years.

Mayor Crowley asked you would not have to send the inspectors out.

Mr. Holzhauser stated you can only do a reassessment within 4 years after the revaluation. If it's after that then you need to do inspections. The construction department does a good job with doing inspections and keeping up on the property.

Mr. Kilduff stated many residents come to him and say their taxes are overassessed. Mr. Kilduff asked if the total dollar value of appeals would that make up the \$20,000.

Mr. Holzhauser commented based on the loss at the county level in 2012 was \$27,000 and in 2011 it was \$31,000. Mr. Holzhauser stated it would be a good investment; at the State level 2011 so far is over 71,000, smaller volume but a much bigger number.

Mrs. Gardell questioned the first quarter taxes are estimates and if the reassessment would effect 2013. Is there any way to get it done early in 2013?

Mr. Holzhauser stated it doesn't work that way; if we do this the values would be set as of October 2013 and effective January 1014.

Mrs. Gardell commented with the 4 years this is our only opportunity to do the reassessment; after 4 years this we would have to pay more.

Mayor Crowley stated we have a lot on the agenda tonight; we can bring this up again at the next meeting or the meeting after to discuss this again.

Mr. Zshack asked if doing the reassessment; does this extend the time before we have to do another reevaluation.

Mr. Holzhauser stated yes that is why a lot of towns do this.

The Council had a brief discussion on when the last revaluation was done and asked Mr. Holzhauser questions regarding having a reassessment.

Mayor Crowley stated for Mr. Holzhauser to get a quote and then come back to of having a reassessment in the future.

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.

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Betty Allen Jenkins Road, Franklin, stepped forward. Mrs. Allen thanked Mr. Kilduff for letting the Historical Society use the conference room. Mrs. Allen wanted the Council to be aware of a book available Franklin & Ogdensburg Mining Heritage Guide.

Pat Rowett, 36 Rte 23 Franklin, stepped forward. Ms. Rowett stated that she hopes the town does not get reappraisals done again and gave her reasons as to why she doesn't want this done again.

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. Limon. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on June 26, 2012. Seconded by Mr. Limon. (Absent: Kulsar)

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on July 10, 2012. Seconded by Mr. Limon. (Absent: Gardell, Snyder)

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Zschack

Nays: None Absent: None Abstentions: None

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on October 9, 2012. Seconded by Mr. Limon. (Absent: Kulsar)

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #7-2012

Mr. Zschack made a motion to adopt Ordinance #7-2012 **"AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF FRANKLIN IN THE COUNTY OF SUSSEX.** Seconded by Mr. Limon.

Mayor Crowley opened the meeting to the public for any comments regarding ordinance #7-2012.

No one from the public stepped forward.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**BOROUGH OF FRANKLIN
ORDINANCE #7-2012**

**An Ordinance Establishing That A Business Entity Which Makes Political
Contributions To Municipal Candidates And Municipal And County Political Parties
In Excess Of Certain Thresholds Shall Be Limited In Its Ability To Receive Public
Contracts From The Borough of Franklin in The County of Sussex**

CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE

The Mayor and Council of the Borough of Franklin does hereby Ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-51 a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

WHEREAS, in the interest of good government, the people and the government of the **Borough of Franklin** desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

NOW, THEREFORE, BE IT RESOLVED, it shall be the policy of the **Borough of Franklin** to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the **Borough of Franklin**; and,

BE IT ORDAINED by the **Borough of Franklin**, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1

The following policy shall be adopted by the Borough of Franklin:

DEFINITIONS

- (a) "Campaign Committee" means (i) every candidate for **Borough of Franklin** elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for **Borough of Franklin** elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for **Borough of Franklin** elective municipal office; (iv) every political party committee of the **Borough of Franklin**; and (v) every political party committee of the County of Sussex. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- (b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.
- (d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person,

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subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

- A. To the extent that it is not inconsistent with state or federal law, the **Borough of Franklin** and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) any candidate for **Borough of Franklin** elective municipal office; (ii) any candidate committee established by or for the benefit of a candidate for **Borough of Franklin** elective municipal office; (iii) any joint candidate committee established in whole or in part by or for the benefit of a candidate for **Borough of Franklin** elective municipal office; (iv) any political party committee of the **Borough of Franklin**; and (v) any political party committee of the County of Sussex in excess of the thresholds specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- B. No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the **Borough of Franklin** or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in **Borough of Franklin**, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any **Borough of Franklin** or County of Sussex political committee or political party committee between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- C. The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the **Borough of Franklin**; and (ii) \$500 maximum per calendar year to a County of Sussex political committee or political party committee. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all **Borough of Franklin** candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all **Borough of Franklin** or County of Sussex political committees and political party committees as described herein combined, without violating subsection (a) of this section.
- D. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the **Borough of Franklin** Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the **Borough of Franklin**, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- E. Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

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CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

CONTRIBUTION STATEMENT BY BUSINESS ENTITY

- A. Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the **Borough of Franklin** or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The **Borough of Franklin**, its purchasing agents and departments shall be responsible for informing the **Mayor and Council** that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- B. A Business Entity shall have a continuing duty to report to the **Borough of Franklin** any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The **Borough of Franklin**, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Mayor and Council meeting following receipt of said report from the Business Entity, or whichever comes first.
- C. The certification required under this subsection shall be made prior to entry into the contract or agreement with the **Borough of Franklin**, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

PENALTY

- A. It shall be a material breach of the terms of a **Borough of Franklin** agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in **Borough of Franklin**, or a holder of public office having ultimate responsibility for the award of a contract, or any **Borough of Franklin** or County of Sussex political committee or political party committee; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

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- B. Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future **Borough of Franklin** contracts for a period of four (4) calendar years from the date of the violation.
- C. Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the **Borough of Franklin**.

SECTION 2 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Mayor and Council of the **Borough of Franklin** and shall be published as required by law.

Paul B. Crowley, Mayor

ATTEST:

Robin Hough, Acting Borough Clerk

NOTICE

TAKE NOTICE that the above entitled Ordinance # 7-2012 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on October 9, 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 October 23, 2012 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

Robin Hough, Acting Borough Clerk

Introduction of Ordinance #8-2012 Criminal Background checks

Mr. Zschack made a motion to introduce an ordinance entitled **“THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING CHAPTER 196, ATTACHMENT 1 ENTITLED “RECREATION AREA RULES AND REGULATIONS” AND CHAPTER 106 ENTITLED “CRIMINAL BACKGROUND CHECKS” OF THE CODE OF THE BOROUGH OF FRANKLIN.** Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Kulsar, Limon, Snyder, Zschack

Nays: Gardell Absent: None Abstentions: None

Final Reading November 13, 2012

Introduction of Ordinance #9-2012 Tax Exemption and Abatement

Mr. Zschack made a motion to introduce an ordinance entitled **“ AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ESTABLISHING THE ELIGIBILITY OF COMMERCIAL AND INDUSTRIAL STRUCTURES FOR THE FIVE YEAR TAX EXEMPTION AND ABATEMENT PURSUANT TO N.J.S.A. 40A:21-1, ET SEQ.** Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack, Mayor Crowley

Nays: Gardell, Kulsar, Limon Absent: None Abstentions: None

Final Reading November 13, 2012

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Discharge of Mortgage Peter and Naomi M. Kopnik, 265 Munsonhurst Road, Franklin

Mr. Zschack made a motion to confirm the Discharge of Mortgage on October 23, 2012 for Peter and Naomi M. Kopnik, 265 Munsonhurst Rd. Franklin, in the amount of \$8,300.00. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley stated number 6 and 7 are the leases for the Fire Department. Before the meeting he had a conference call with Mr. Ursin and Mr. McBriar. How this is introduced needs to be changed around; it will be introduced as a resolution that will encompass both leases.

Mr. McBriar read the resolution into the record for the Fire House and Fireman's Park.

Mayor Crowley stated the resolution doesn't change the leases it encompasses both leases.

Mr. Zschack made a motion to approve the resolution that was read into the record by Robert McBriar, Esq. Seconded by Mr. Giordano.

Mr. McBriar stated as he indicated in the resolution the fireman's field is the property located at 99 Buckwheat Road, it was formally block 45 lot 1.02 the lot as he read into the record 1001 lot 1. The seconded of the three properties is located at 137 Buckwheat Road previously block 46 lot 12 as indicated in the resolution read into the record the new block is 1005 lot 11. Final property is located at 129 Buckwheat Road prior block 46 lot 13 the new block is 1005 lot 12. That in conjunction with the official tax map that Mr. Kilduff had printed out should adequately define the subject properties.

Mrs. Gardell asked there is no schedule A.

Mr. McBriar stated schedule A can be a copy of the tax map. Mr. McBriar suggested the property details that are available to be included, such as the acreage, district, address etc. to properly identify the property.

Mayor Crowley asked if there were any further comments or discussion. Then asked for a roll call to approve the resolution.

Upon roll call vote:

Ayes: Giordano, Kulsar, Zschack

Nays: Gardell Absent: None Abstentions: Limon, Snyder

Resolution 2012-72 Surplus Vehicles

Mr. Zschack made a motion to adopt resolution 2012-72 authorizing sale of surplus vehicles owned by the Borough of Franklin through Govdeals.com pursuant to State approved contract. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-73 Designating January 11 as Human Trafficking Awareness Day.

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Mr. Zschack made a motion to adopt resolution 2012-73 of the Governing Body of the Borough of Franklin designating January 11 as Human Trafficking Awareness Day. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-74 Awarding Bid For Route 23 South Pumping Station

Mr. Snyder made a motion to adopt resolution 2012-74 Awarding bid for Repairs for Route 23 South Wastewater Pumping Station/Pump Replacement with New Pump Controls. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-75 Awarding Bid for Well "C"

Mr. Snyder made a motion to adopt resolution 2012-75 awarding Bid for Proposed improvements for Munsonhurst Road Well House Addition of Well "C". Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-76 tax refund

Mr. Snyder made a motion to adopt resolution 2012-76 authorizing the Tax Collector to refund Samuel & Barbara Eletto, 1 Cummins Street, Franklin Block 607 Lot 33 in the amount of \$2,254.17. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2012-77 tax refund

Mr. Snyder made a motion to adopt resolution 2012-77 authorizing the Tax Collector to refund Antimo A. Del Vecchio, Attorney for Black Bear Golf, Inc. 142-146 Route 23 Franklin, Block 1601 Lot 2 in the amount of \$11,978.64. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Gardell, Kulsar, Limon, Snyder

Nays: Giordano Absent: None Abstentions: Zschack

Resolution 2012-78 regarding license revocation or suspension

Mr. Snyder made a motion to adopt resolution 2012-78 regarding license revocation or suspension with exhibit A attached amending By-laws and Personnel manuals accordingly. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on Holiday Scheduling

**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
October 23, 2012**

Mayor Crowley explained November 13 meeting, is the same time period as the League of Municipalities most of the Council will not be here; there will not be a quorum. Mayor Crowley suggested at this time we cancel that meeting. We will have the regular meeting on November 27. Mayor Crowley asked if there were any objections from the Council.

Mrs. Gardell asked in discussions with the CFO will there be a need for a special meeting.

Mayor Crowley stated we may need a special meeting for financial matters.

Mayor Crowley said in December we will be meeting on the 11th, we are only scheduled for one meeting unless there is an emergency we will only meet once in December. If for financial reasons we have to have a special meeting we would have to give 48 hours notice and make sure everyone is available.

Mr. Kilduff asked what would the Council availability in moving the December 11 meeting to December 20 to give the CFO an extra 10 days for financial matters. There was some discussion on this.

Mayor Crowley suggested meeting on December 11 and see if we would need a special meeting.

Mayor Crowley commented on December 24 which is a Monday is a work day for the Borough. The Borough offices close at 11:30. He wanted to bring this up now because when it close to that time people will want to just close for the holiday. Mayor Crowley stated he doesn't care what the Council decides his personal feeling would be to keep to the schedule as published having a half a day he just wants to make sure everyone knew now and if you want it changed to do that now. The consensus of the Council was to keep the schedule the same.

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mrs. Gardell asked if the Council could review the Calendar before it is published.

Mr. Giordano questioned the following items which were answered by the Mayor or Mr. Kilduff; properties under foreclosure, the code book on the website, police department, secretary for the police department, ordinances on generators, fishing permits, status of the Littell Center, posting an entire ordinance in the newspaper, and police secretary ad that was in the paper.

There was a brief discussion regarding fishing permits and the pond area.

Mr. Giordano personally thanked Mr. Don Stoll for his years of service.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:33 p.m., seconded by Mr. Giordano. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk