

**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  
November 12, 2013**

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: Mr. Babcock, Mrs. Gardell, Mr. Giordano, 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."

**PRESENTATIONS**

PCEC-Government Energy Aggregation Program

Wendy Molnar, stepped forward from Concord Energy services which is a division of Concord Engineering. We are the program managers for the Passaic County Cooperative Electric and Gas which the Borough is a member of. Recently the freeholders in Passaic County have extended the program to enhance it to add residential aggregation. The presentation will explain what that means. Concord Energy has all their licenses and recently been selected as the States energy consultant. They buy all the electric for the State of New Jersey. Concord Energy has been doing the program with Passaic County for three years and has been very successful.

Matt Brown continued with the presentation. Mr. Brown explained deregulation which happened in New Jersey in 1999; the Act of 2003 allowed Municipalities to aggregate their services by buying in bulk in order to get better prices. The Borough has a saving now on a Municipal level because you aggregate in the Passaic County COOP. In July of 2012 legislation was passed in Title 14 to allow consumers to aggregate on a individual level. Mr. Brown explained Title 14 and explained the way the process works with third party suppliers, there is a website and have town meetings to inform the public, the program is an opt out program, residents can get out anytime if they chose to do so,

Mr. Brown asked if any Council members had any questions.

Mayor Crowley asked what was involved if a resident wants to opt out.

Mr. Brown stated all they would have to do is call up and say they want out at the next meter reading.

Mayor Crowley asked if the resident has already signed up with one of these 3rd party suppliers would this supersede that.

Mr. Brown stated they can come into this program any time they want; they would have to see if there are early cancelation charges from that third party supplier that they have now.

Mayor Crowley asked what other municipalities in Sussex County [are looking at this].

Mr. Brown commented there are several right now in the process of doing their ordinances and getting various information.

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Ms. Molnar commented this just happened in September we have been going out every day on the road talking to Municipalities. We were in Hopatcong today, we were in Andover tonight.

Mr. Limon asked the only ones in Sussex County are Hopatcong and Andover.

Ms. Molnar commented they did a presentation at Sussex County and John Eskilson is in favor of the program.

Mr. Limon asked if there was additional incentives if we are one of the first to start out.

Ms. Molnar commented we would help with public outreach, she has 15 years of experience with public outreach with this type of work for the State of New Jersey. The time frame to go out to bid is in March so if the Borough doesn't have their ordinances completed by the end of this year, you will still have the opportunity in January but by February you will have to have them done if you want to be part of the program and participate.

There was a discussion regarding scams that are out there, length of time for bid specks, the ordinance is for Concord to access data, when Concord comes back with a price if the Borough doesn't like it you can say we are not going to do this as a municipality, residents would opt out and commercial business would opt in, deregulation and billing,

Mayor Crowley stated later on if we go forward with the ordinance then we come back for a public meeting with the residents.

Mr. Brown stated yes.

Ms. Molnar stated we will come back as often as you would like.

### **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 18, 2013 from James Kilduff, Administrator to Lori Mitchener
2. Letter dated October 18, 2013 from Sussex county Municipal Utilities Authority  
Re: Sewage Flows.
3. Letter dated October 22, 2013 from Monica B. Miebach, CFO to Jim Kilduff,  
Mayor and Council re: Bond Anticipation Notes.
4. Letter dated October 22, 2013 from Anita Kopera, NJDEP to Municipal Officials  
Re: Radon Action Month.
5. Memorandum dated October 24, 2013 from Elaine A. Morgan, Clerk of the Board  
of Chosen Freeholders Re: Ordinance to amend the fee schedule of the  
department of Environmental and Public Health Services.
6. Letter dated October 25, 2013 from Hawkins Delafield & Wood LLP to Mayor and  
Council.
7. Letter dated October 31, 2013 from James C. Kilduff, Administrator to Cindy  
Meakem, Sussex County Integrated Municipal Advisory Council Re: Smoke Free  
outdoor parks and recreational areas.
8. Letter dated October 30, 2013 from Senator Oroho, Assemblywoman Littell  
McHose and Assemblyman Space, The 24th Legislative Offices, to Honorable  
James Simpson NJDOT Re: MA-2014- Franklin Borough-00458 Pedestrian  
Safety Grant Application.

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9. Letter dated November 5, 2013 from Mellissa Rockwell, Sussex County Board of Taxation Re: Tax Map Maintenance.
10. Letter dated November 7, 2013 from Mayor Paul Crowley to Mary Harrington Re: Tax increase.
- 11.

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

1. Tax Department Report for October, 2013.
2. Littell Community Center 3rd Quarter Report
3. Construction Report for October, 2013.
4. COH Report for October, 2013.

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

1. Application for use of the Senior Center by the Franklin Quilters on the 1st and 3rd Tuesday of each month from 7:00PM to 9:00PM for the calendar year 2014.
2. Application for use of the Senior Center by Girl Scout Troop 897 for Fridays of each month for the year 2014.

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

1. Payment of bills for the meeting of November 12, 2013.

Mr. Limon made a motion to approve the consent agenda of November 12, 2013. Seconded by Mr. Babcock.

Mr. Giordano commented he thought that the Recreation Board was suppose to approve use of Borough property. Mr. Giordano asked for the two applications regarding use of the Senior Center be removed from the consent agenda.

Mr. Snyder commented on the letter from the 24th legislative office; they are trying to do what they can for pedestrian safety moving forward. He was glad to see that.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**COMMITTEE REPORTS**

Mrs. Gardell had nothing to report.

Mr. Giordano reported the Christmas Tree lighting will be on December 7 with some new events down at the pond. There will also be some caroling.

Mr. Snyder reported there will be a finance meeting this Friday over capital improvements coming forth.

Mr. Limon reported he received an email from the Administrator; in light of the road departments shortage of employees he thinks we should have the administrator look into hiring a full time road department employee; either somebody that was laid off or someone that you have an application for already. Mr. Limon commented we didn't have a discussion on this in personnel but in light of the situation and road department shortage he thinks we should act on this.

Mr. Snyder commented he agrees with Mr. Limon to the point we have to look for someone; we got to low [with DPW workers] and it will cost more when we have to start plowing.

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Mayor Crowley asked if you would like this to go to the personnel committee.

Mr. Limon stated it is himself, Mr. Snyder and Mayor Cowley. There will be a short personnel committee meeting after tonight's regular meeting.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. Ursin, Esq. reported everything he has is on the agenda.

Mr. Kilduff reported items from the following Administrator's report which is also on file in the clerk's office.

Borough Sites and Street Issues

The County has completed the first phase of improvements to the Fowler/Junction Street intersection in conjunction with the viaduct bridge (E-07) project. The work included the addition of double yellow centerline and white edgeline striping; painted stop bars with "Stop" legend and the installation of several new traffic control signs. The Administrator has been advised work on the bridge is progressing for the scheduled opening date of December 31, 2013.

Construction is progressing on Bridge E-06. The County advises reinforced abutments and steel stringers have been installed. Deck pans for the concrete work were installed last week. This bridge is expected to reopen by the end of the year.

An ordinance has been drafted limiting commercial traffic on Rutherford Avenue South. The draft ordinance is linked to the GVW of vehicles which also relates to other Borough ordinances including the commercial vehicle ordinance on tonight's agenda for a public hearing. For this reason discussion and introduction of the Rutherford Avenue South ordinance have been postponed.

The DPW has made effective temporary, emergency repairs at the corner of Main and Evans Street to reinforce a deteriorated stone wall on the edge of pavement. The project area is within the Borough right-of-way. Permanent repairs will be undertaken in the spring.

The DPW has been asked to take inventory of utility poles on Main Street with power for Christmas lighting. JCP&L will need this information to provide a cost estimate to the Borough. We are still waiting on estimates for the illuminating the Recreation sign on Franklin Avenue.

Financial Control/Legal Issues

The General Election was conducted on November 5<sup>th</sup>. Official results are as follows: for Borough Council, Councilman Nicholas Giordano won a second term with 821 votes (39.36%). Newcomer David Fanale won a Council seat with 554 votes (26.56%). Louise Murphy, Jeanine Paszkiel and Michael Payton won seats on the Franklin Board of Education; Suzanne Ross remains the unofficial write-in winner. Ronald Neal was elected to the Wallkill Valley Regional High School Board. We congratulate the winners and thank all for their participation in the democratic process.

The Finance and Budget Committee will meet on November 15<sup>th</sup> to review the capital budget for 2014.

Wantage Township has proposed a new contract for 2014 animal control. The new contract represents a 1.5% annual increase or \$163.65 (1.5%).

The Sussex County Municipal Utilities Authority conducted their annual rate hearing for the new year. Proposed rates were unchanged from what was previously advised to the Council.

Operational/Personnel Matters

Members of the Wallkill Valley First Aid and Sparta Ambulance Squads participated in a meeting at Borough Hall on November 7<sup>th</sup>. The meeting was to discuss ambulance service, especially daytime response (6AM-6PM), Monday thru Friday. Response service has improved during the day due to squad member availability and backup arrangements with Sparta. However, weekdays remain the greatest challenge for rapid response. Currently the WVFAS handles an average of 1.4 calls a day during weekdays (7.1 weekday calls in one week.) Under discussion, was the possibility of Sparta becoming the primary respondent from 6AM to 6PM, Monday thru Friday. The Borough would not pay for this service; however, patients would be billed through their insurance whenever a call results in a transport. Unpaid balances would NOT be sent to a collection agency.

A meeting was held on October 30<sup>th</sup> with Jackie Espinoza, JCP&L Area Manager, to discuss emergency preparedness and response to power outages. JCP&L has been working on improved communications and emergency response for power outages.

A police officer, injured in the line of duty, will be out for at least another month. A DPW worker is out with a medical condition and has applied for short term disability. Another DPW employee, Allen Space has announced plans to retire at the end of the year.

A former Franklin resident and Borough Construction Official, Anthony Piechowski, died unexpectedly on November 7<sup>th</sup>. Tony was a well-known local contractor and building inspector; he will be missed. Our condolences to his family.

Approval of a replacement clerk, (Lisa Smith) for Tax Assessor's office is on tonight's agenda. The 10 hour a week position was vacated by the resignation of Debbie Intveld.

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Land Use Matters

The Zoning Board adopted a Resolution of Approval on November 6<sup>th</sup> for CM Franklin, the developer for the Auto Zone/STS project on Route 23.

Long-term and Capital Projects

To move forward with its I & I work the Council will need to authorize requests for proposals from engineering firms qualified to do the work. There are funds available for I & I work.

The Finance Committee will meet this week to review the capital budget for 2014.

The Borough Engineer will be surveying the Cork Hill Road area to determine asphalt quantities and work to be included in Bid specifications and plans for resurfacing of Cork Hill Road. The project is slated for the spring of 2014. The Engineer is also preparing a bid package for the Fire Department oil to gas conversion project.

Miscellaneous

Yesterday, November 11<sup>th</sup> was Veteran's Day. We are grateful for the many Borough residents who have served our country during Franklin's 100 year history. The very long list includes members of this governing body and Benjamin Harty who was recently recognized for his heroic actions during the Korean War conflict. Mr. Harty, a member of the 82<sup>nd</sup> Airborne, is the recipient of the Bronze Star with Valor and Purple Heart. Thank you, Mr. Harty and all veterans for your service.

The Recreation Commission will sponsor a Christmas tree lighting event on December 7<sup>th</sup> at 5PM. Residents and employees are invited to attend the lighting of the new trees. It is rumored that an invitation has been sent to the North Pole.

The League of Municipalities, concluding its 52<sup>nd</sup> Annual Municipal Public Information Contest, has advised the Borough will be receiving a Certificate of Honorable Mention for its 2013 municipal calendar. The calendar was prepared by Secretary Darlene Tremont and submitted to the League by our Clerk, Robin Hough. Congratulations and thanks to these employees for their continued efforts on behalf of the Borough.

The County Planning Department will host a public meeting on their *Complete Streets* initiative on December 5<sup>th</sup>, 6:00PM to 8:30PM at the Vo-Tech School.

January 11<sup>th</sup> is Human Trafficking Awareness Day. Human Trafficking "is the recruitment, harboring, transportation, or obtaining a person through force fraud or coercion for involuntary labor or services." This modern day form of slavery includes abduction of minors for sex trafficking. A resolution regarding such human rights violations is on tonight's agenda.

Executive Session

An executive session is requested for personnel contracts and litigation.

Mayor Crowley congratulated elected officials and all that took part in the democratic process. Mayor Crowley thanked the Historical Society; they gave a presentation regarding the history of Main Street over at the Mine Museum, it was well attended and an enjoyable time.

**OPEN PUBLIC SESSION**

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mrs. Babcock. All were in favor.

Shirley Nagy, 39 Buckwheat Road, Franklin, stepped forward. Ms. Nagy explained to the Council a flooding problem she has had since January of 1999 when she purchased her home. The Borough failed to correct this flooding issue and explained she had to close her garage at her own expense and now she has been told she has to remove one of her two sheds in place of a garage she just purchased. Ms. Nagy commented she needs both sheds and the garage for storage.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina questioned Mr. Kilduff the date for the complete street meeting. Mr. Durina commented he has December 5, on his calendar.

Mr. Kilduff commented he will double check the date.

Mr. Durina referred to Roberts Rule of Order and questioned whether or not the Borough followed Roberts Rules in allowing a Council member to pass and be called on at the end of the roll call.

Mayor Crowley commented this will be checked by the clerk's office.

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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 Mr. Snyder. All were in favor.

**OLD BUSINESS**

Mayor Crowley commented at the last meeting there was a discussion on the Chair of Command; at that time emails, specifics and the employee involved we [the Council] did not go into because of the rice notice. At this time he would like to explain the employee involved received a rice notice and Brian Vandebroek asked this be done in public. Mayor Crowley commented he would like to bring to the Council's attention correspondence and email in question, he would like to make a public announcement going through the chain of command and not going directly to the Mayor and Council rather than going to the administrator first.

Mr. Giordano stated there has been some concern amongst several people that information has not been shared in a proper, timely or fair manor on certain issues. Clearly we note the position of certain individuals in relation to job status. Mr. Giordano commented he would have done the same thing; copied the Council to make sure it was given to the people that have the right to [know].

Mayor Crowley commented the employees have the right to go to the Administrator if they are not happy with that situation then go to him as Mayor and then bring the Council in.

Mr. Giordano replied he would agree 100% with you [the Mayor] on that; but if the individual feels as though they are not being heard you have to shout sometimes.

Mayor Crowley stated they have to follow the chain of command.

There was a discussion on the chain of command.

Mr. Ursin reminded the Mayor there where items removed from the Consent Agenda.

Mr. Giordano stated it was the forms for the use of the Municipal Building which is just for clarity, regarding the use of the Senior Center he was with the understanding [that area was recreation].

Mayor Crowley stated his understanding is the fields are recreational and the building [Senior Center] is done by the Mayor and Council.

Mr. Giordano stated that is fine, he just wanted to clarify it.

Mayor Crowley commented in the packets there were two [applications] from the Girl Scouts and the Quilters it is on the agenda to be approved.

Mr. Giordano made a motion to accept those applications for the use of the Senior Center. Second by Mrs. Gardell. All were in favor.

**NEW BUSINESS**

**Approval of the Meeting Minutes**

Mr. Snyder made a motion to approve the regular meeting minutes for October 22, 2013. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Introduction Ordinance #14-2013 Cooperative Pricing Agreement

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH PASSAIC COUNTY FOR PARTICIPATION IN THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM" Seconded by Mr. Limon.

**Public hearing will be held November 26, 2013.**

Upon roll call vote:

Ayes: Babcock, Limon, Snyder, Zschack

Nays: Gardell, Giordano Absent: None Abstentions: None

Discussion (NJSA40:55D-64, Referral to Planning Board.)

At this time the Council had a discussion regarding the Planning Board's October 24<sup>th</sup> report prepared by Board Attorney David Brady regarding proposed Ordinance #13-2013. The ordinance amends sections of the land use ordinance related to commercial and recreational vehicles in residential zones. *(Note: in accordance with NJSA 40:55D-26, the Council "may disapprove or change any recommendations by a vote of a majority of its full authorized membership" . . .*

Mr. Kilduff stated in accordance with Municipal Land Use Law the Borough Council introduced an ordinance that would alter the requirements for commercial and recreation vehicles parking in residential zones. That ordinance after introduction was forwarded to the Planning Board; there was a three hour discussion regarding the ordinance. The Planning Board threw it's attorney has issued a report back to the council with recommendations. The Planning Board has asked the Council to consider making modifications to the ordinance which is on tonight's agenda for a public hearing and a vote. The Council is free to over ride the Planning Board with a majority vote of the full membership.

Mr. Kilduff and Mr. Zschack explained to the Council the 3 hours discussion and recommendations from the Planning Board.

Mr. Zschack commented the Planning Board wanted the Council to have different criteria for different zones, not have a blanket ordinance that covers every single zone in the Borough.

Mayor Crowley replied zones are so small they can't comply with any of these. The recommendation was to go on a street by street bases to look at the ordinance but how is anyone going to do that. There is always the cost of money involved.

Mr. Kilduff stated the ordinance that is up for public hearing tonight increases the gross vehicle weight from 3 and one half tons to 5 tons. The Planning Board discussed raising that has high as 9 and one half tons. The Borough has restrictions on at least 18 different streets that limit the tonnage of commercial vehicles to 4 tons. Mr. Kilduff wanted to make the council aware that ordinance would have to be adjusted as well.

Mr. Zschack commented it was never discussed by the committee nor the night of the Planning Board. Mr. Zschack stated he agrees with the recommendations of the Planning Board; the ordinance has to be looked at more in detail.

The Council discussed the recommendations from the Planning Board and ordinance.

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November 12, 2013**

Mayor Crowley stated the Council can vote or table the ordinance and have it go back to the committee.

Mr. Snyder commented his concern is where the RV's are parked, if you park the RV in front of your home, he disagrees with that, there has to be restrictions on this. Mr. Snyder questioned gross vehicle weight; we were at 10,000 now not to exceed 19,500; he can see the weight restriction more realistic given the size of today's commercial vehicles and to store it. Mr. Snyder questioned how this would be enforced; who would have the ability to go [check the] weight, this will be a tough call and hard to enforce.

Mrs. Gardell explained how the committee based their decision comparing to other town ordinances.

Mr. Limon commented the option here is either we table it and forward on the same way; correct.

Mr. Ursin replied correct, you table it if you are moving this agenda item to another night if you vote it down then you are sending it back to the committee and starting over.

Mr. Kilduff stated this is a noticed public hearing for adoption, if we table this, would the notice have to be printed in the paper again. What would be the advantages or disadvantages of carrying it vs. voting it down and then redrafting it.

Mr. Ursin stated if the Council thought if there was a possibility that this ordinance was going to be passed or passed with minor clerical modifications then you would table it, because it preserves the intro when you table it, it also tables the public hearing unless you decide to hold the public hearing tonight and you move forward. If Council members felt that this ordinance in its present form was not going to be passed than you vote it down.

Mr. Limon asked if the recommendation from the Planning Board is that within the parameters.

Mr. Ursin said no; as far as making changes to the ordinance that is already been introduced, no. Those are subsistent changes that would require the Council to start over, redraft an ordinance and reintroduce it.

Mr. Giordano asked if we table this we would have to opt to extend the moratorium on enforcement of this.

Mayor Crowley commented from a practical point of view he doesn't see where tabling it accomplishes anything. If you want to make changes and they are substantial then you should vote it down and go back to the committee with the Planning Board's recommendations.

Adoption of Ordinance #13-2013 Replacing portions of Section 161-32 Concerning Commercial vehicles

Mr. Limon made a motion to adopt Ordinance #13-2013 "REPLACING PORTIONS OF SECTION 161-32 CONCERNING COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY" Seconded by Mr. Snyder.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #13-2013.**



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Brian Davis, Corkhill Road, Franklin, stepped forward. Mr. Davis commented he disagrees with the comment blanket policy. Mr. Davis commented if you have a fire fighter and have a small driveway with this huge motor home [the fire fighter] couldn't get through to put a fire out. That is why the Council should look at each zone, some people have a lot of property and some properties are small.

Jim Marino, 4 Hilltop Lane, Franklin, stepped forward. Mr. Marino commented all of this transpired because of two neighbors not agreeing; for 40 years there has been no issues here and now all he sees is attorneys involved and all kinds of specifics with ordinances. Even the Planning Board said when it comes to recreational vehicles as a general matter the Board didn't have any objections to the proposed changes considering recreational vehicles unlike commercial vehicles which by nature are somewhat incompatible with a residential district. Recreation vehicles are related to family activities there drawbacks being size and aesthetics.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented he applauds the Council for trying to make an ordinance that was more lenient than the existing ordinance of recreational vehicles.

Barb Darenzo, 9 Ginter Street, Franklin, stepped forward. Mrs. Darenzo commented she has a young family and a small pop up for her family to use for vacations. The expense is very cheap to camp compared to a hotel; for her to pay to park the small pop up would take away from her family to go on trips that she couldn't do without it. This is a blue collar town you are asking us the blue collar town to not allow us to have the ability to pop up campers on our property that we all pay taxes for.

Gary Hintzen, 30 Fowler Street, Franklin, stepped forward. Mr. Hinzen commented his property borders Fowler Street and Catlin Road, he has a commercial vehicle, a van that he uses for work. Mr. Hintzen would lose his privilege to bring his work van home and he wouldn't have a place for his boat.

George Gunderman, 36 Nestor Street, Franklin, stepped forward. Mr. Gunderman commented he thinks the Council did a decent job with this [ordinance]; but there a few little cuts in it.

Betty Allen, Jenkins Road, Franklin, stepped forward. Ms. Allen thanked the Mayor for the kind words regarding our [Historical Society] program. Mrs. Allen commented they have had a mobile home for years, on a concrete pad and evergreens around the camper to shield it.

Pat Rowett, 36 Rte 23, Franklin, stepped forward. Ms. Rowett commented this ordinance should be deleted in its entirety. If you are going to do an ordinance like this you can't enforce this. It allows for selective enforcement.

Rich Rockwell, 28 Nester Street, Franklin, stepped forward. Mr. Rockwell commented he has the 19,500 vehicle; the Council should consider what the vehicle is besides what it weighs. It is a responder vehicle, a tow truck and has been parked in front of his house since 1997. Mr. Rockwell also talked about the oil truck he drives.

Dawn Inglis, 72 Church Street, Franklin, stepped forward. Ms. Inglis commented she attended the 3 hour Planning Board meeting; she doesn't agree with this ordinance. This ordinance is because of a dispute between two neighbors. There are many other issues in town that should be looked at.

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David Morgan, 150 Main Street, Franklin, stepped forward. Mr. Morgan commented at one point he was told the neighbors would have a recourse. Mr. Morgan asked who is his neighbor.

Mayor Crowley commented anyone that lives in town not only tax payers.

Mayor Crowley closed the ordinance to the public.

Mr. Giordano commented on the comments made by the public. Mr. Giordano stated we should vote it down and work on what we can agree on. Mr. Giordano commented what applies to recreational vehicles doesn't necessarily apply to commercial vehicles.

Mayor Crowley stated to get the Council to decide and agree on; no matter what happens with this you are still going to have a lot of people that don't agree with whatever the final ordinance is.

Mayor Crowley stated the motion was put out as affirmative so yes is to approve the ordinance as it is written now and a vote of no is to defeat the ordinance and it would go back to the committee.

Mrs. Gardell commented one of the Planning Board recommendations addressed indirectly addressed small lots versus larger lots by suggesting the ordinance have a 25 foot setback from the road or building face. Mrs. Gardell stated she would like the ordinance be amended slightly to include that in the setbacks instead of having 25 foot for both commercial and recreational vehicles. Mrs. Gardell asked Mr. Ursin if that change was minor enough.

Mr. Ursin stated no probably not. Mr. Ursin explained when you introduce an ordinance and you read it after public hearing you are limited as to what would be clerical changes. Things that would change square footages, how things would be measured, where things would be placed, the change is not a big change that your are suggesting.

Mrs. Gardell stated it would be measured either 25 feet from the street to the front of the building.

Mayor Crowley stated it would be a change in the ordinance and published in the paper.

Mr. Ursin stated if someone opposed this change they would have no opportunity to speak, it is made after the introduction, made after publication and made after the public comment.

Upon roll call vote:

Ayes: Gardell,

Nays: Babcock, Giordano, Limon, Snyder, Zschack

Absent: None Abstentions: None

Mr. Giordano made a motion to extend the moratorium until such time that this is finally settled.

Mr. Ursin stated either pick a date or a number of days.

Mr. Giordano made a motion to extend the moratorium to February 1, 2014. Seconded by Mr. Babcock.

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Mr. Giordano rescinded his motion.

Mr. Ursin commented it was seconded; you can amend your motion and if the person that seconded went along with it then it could go back in order.

Mr. Giordano made a motion to amend his motion. Mr. Giordano made a motion to extend the moratorium on these ordinances until June 1, 2014. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

I & I Study of the Borough's Sewer System

Mr. Snyder made a motion to direct the Administrator to solicit RFQ's for licensed engineering firms to conduct an I & I study of the Borough's Sewer System and phased remedial action plan for corrective measures. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Replacement of Tax Assessor Clerk

Mr. Snyder made a motion to hire Lisa Smith to fill the replacement position of Tax Assessor Clerk for 10 hours per week at \$10.20 per hour. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-96 Alcoholism and Drug Abuse

Mr. Snyder made a motion to adopt resolution 2013-96 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Extension January 1, 2014 to June 30, 2014. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-97 Human Trafficking Awareness Day

Mr. Giordano made a motion to adopt resolution 2013-97 Designating January 11 as Human Trafficking Awareness Day. Seconded by Mr. Babcock.

There was a discussion on the resolution.

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack, Mayor Crowley

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

Shared Service Agreement for Animal Control Services

Mr. Giordano made a motion to approve the shared service agreement between the provider Wantage Township and the recipient Borough of Franklin for Animal Control Services for the year 2014; the annual sum of \$11,075 payable in quarterly installments. Seconded by Mr. Limon.

There was a discussion on the shared service agreement.

**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  
November 12, 2013**

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-98 Authorizing Disbursements of Performance Bond Funds

Mr. Giordano made a motion to adopt resolution 2013-98 authorizing Borough of Franklin Chief Financial Officer to distribute funds from the Performance Bond claim directly to Model Town, LLC according to the schedule set forth in letter dated November 5, 2013 from Thomas Knutelsky, P.E. Municipal Engineer. Seconded by Mr. Limon.

There was a brief discussion on the resolution.

Upon roll call vote:

Ayes: Babcock, Gardell, Limon, Snyder, Zschack

Nays: Giordano Absent: None Abstentions: None

Resolution 2013-99 Tax Refund

Mr. Giordano made a motion to authorize the Tax Collector to refund Block 2101 Lot 18, 238 Wildcat Road, owned by Robert W. Basek the amount \$246.11 due to County Appeal granted for tax year 2013. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-100 Tax Refund

Mr. Giordano made a motion to authorize the Tax Collector to refund Block 701 Lot 6, 406 Route 23, owned by Santé Bus, LLC the amount of \$7,513.29 due to County Appeal granted for tax year 2013. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-101 Tax Refund

Mr. Giordano made a motion to authorize the Tax Collector to refund Block 701 Lot 11, 386 Route 23, owned by Franklin Square Health & Wellness, LLC the amount of \$857.59 due to County Appeal granted for tax year 2013. Seconded by Mrs. Gardell.

Upon roll call vote:

Ayes: Babcock, Gardell, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-102 The Great Atlantic & Pacific Tea Co, Inc Person to Person Liquor License Transfer

Mr. Giordano made a motion to adopt resolution 2013-102 approving the person to person transfer of a Plenary Retail Distribution License 1906-44-006-004 for The Great Atlantic & Pacific Tea Co, Inc trading name A&P Beverage Center to MINDIP LLC. and authorizing the Borough Clerk to endorse the license certificate. Note: This license is a pocket license and will remain on file in the clerk's office. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**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  
November 12, 2013**

Mayor Crowley asked Mr. Giordano to pick two other Councilmen and work on picking the Senior of the Year. There is a letter received in the clerk's office recommending a certain person for this award.

**EXECUTIVE SESSION**

Mr. Ursin stated to be specific when going into closed session topics; his understanding it is a DPW worker out with an illness, DPW manager contract negotiations, DPW workers PERC case and possibly the Drost litigation. The motion should be specific to those subjects.

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session to discuss the matters the attorney just referenced. Motion seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Ursin suggested the Mayor make a statement as to whether you anticipate making any official action when you come out of closed session.

Mayor Crowley stated as far as he knows there will be no action taken after we come out of closed session.

Mr. Ursin commented that means there will not be.

Mayor Crowley commented there will not be any action taken when we come out of closed session.

After meeting in closed session, the Governing Body returned to their seats at 9:42P.M. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Mr. Babcock commented the resident on Buckwheat Road gave him some pictures; he passed around for the Council to look at.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:43P.M., seconded by Mr. Giordano. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk