

**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  
December 10, 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, Mr. Fanale, 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**

Steven Sullivan from Boy Scout Troop 90 presented his Eagle Scout Project for wood duck boxes to the Council. Steven explained where the wood boxes would be placed; he is planning to build and install 6 to 10 wood boxes.

Mayor Crowley asked if these [the wood boxes] would be up by spring time.

Steven replied yes.

Steven explained the wood duck boxes would be placed on cedar posts about five feet in the water to help protect the ducks from other animals. In the fall he would go around clean the boxes out and replace the shaving so the boxes would be ready for the spring.

Mr. Limon asked Steven to show the sample wood box to the Council and public.

Steven showed an actual wood duck box and explained how the ducks would climb in the box, there would be about six inches of pine shavings on the bottom, explained why pine shaving had to be used and what the inside of the box looked like.

Mr. Zschack made a motion to approve Steven Sullivan's Eagle Scout project. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Steven Sullivan thanked the Mayor and Council.

Mayor Crowley commented he was going to change the agenda around; number 11 under new business is a resolution [2013-112] for a donation of property from the Caserta's to the Borough of Franklin.

**Resolution 2013-112 Donation of Property**

Resolution 2013-112 accepting a donation of property Block 2702 Lots 14, 15 and 16 from Ralph and Katherine Caserta to the Borough of Franklin.

Ralph and Katherine Caserta stepped forward. Mr. Caserta explained he had a good friend in the community; they bought the property in 1985-1986 and they were going to do something together with the property. This never happened and he was basically holding the property. We are retiring and heading down south we wanted to sell it. Mr. Caserta explained his conversation with his accountant and decided to do a good thing for the community by donating the property. There are no

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restrictions on the donation they thought it would be something good to do to help the community and they could move on with their lives.

Mayor Crowley thanked the Caserta's on behalf of the Borough. Mayor Crowley explained these are lots on Rte 517 next to the houses on the eastern side. With the Councils approval of accepting this donation we will try to get all the paper work done.

Mr. Caserta commented all three properties perked. Mr. Caserta thanked the Council.

Mr. Ursin stated a title search was done; the title search is clean. The property is available for donation if someone wanted to make the motion it is the Council prerogative, you would make a motion to accept the donation, forgive the fourth quarter taxes and the Mayor would be authorized to sign any documents required to file the deed.

Mr. Limon stated he would make said motion. Seconded by Mr. Giordano.

Mr. Kilduff asked if the taxes owed was just the 4th quarter.

Mr. Zschack asked the total of taxes that would be coming off the books for these properties.

Mr. Ursin commented he was glad Mr. Kilduff caught it, the current state of the property taxes are the third and fourth quarter are not paid. If you accept the donation you would have to make the decision whether you would accept it contingent upon one more quarter being paid or you would forgive both quarters.

Mr. Limon amended his motion as stated to include both forgiving third and fourth quarters. Mr. Giordano amended his seconded.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley stated his is going to change the agenda; the consent agenda will be moved to new business and will be explained later.

**COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Giordano reported recreation had the Christmas Tree lighting this past weekend; which was well attended. Mr. Giordano commented for the awards committee he would like to meet sometime next week.

Mr. Snyder had nothing to report.

Mr. Zschack had nothing to report.

Mr. Babcock had nothing to report.

Mr. Fanale had nothing to report.

Mr. Ursin stated he would comment on agenda items.

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

Borough Sites and Street Issues

Backup Well "C" has been approved as a potable water supply on November 26<sup>th</sup>. This change upgrades the prior "test well" status of the Borough's newest water source.

The County is making tentative plans for a Bridge E-07 ribbon cutting ceremony on or about December 30<sup>th</sup>. Roadway pavement has been completed and bridge railings are being installed.

The concrete deck for Bridge E-06 is complete. Pouring of concrete end pylons was scheduled for today. Paving is scheduled for around December 19<sup>th</sup>. Weather permitting, both bridges should open before the year end.

Financial Control/Legal Issues

The New Jersey Division of Criminal Justice has awarded a grant in the amount of \$1,869.98 for the State Body Armor Replacement Fund (BARF). The program is intended to assist Police Departments in offsetting the cost of purchasing body armor for their officers.

The Borough has secured 3 proposals for electrifying the Recreation sign with installation of an auxiliary 60amp sub panel. Highpoint Electric has provided a low price of \$3,310 with the Borough DPW doing the excavating and backfilling. Recreation has sufficient funds in their capital account for improvements to recreation facilities and has expressed interest in moving ahead with the project before the ground freezes. The alternate price (without subpanel) is \$2,958. The Council should consider this matter tonight if the project is to move forward expeditiously.

A small claims summons has been filed against an employee. The plaintiff is seeking \$400 plus costs in damages.

An attempt to merge the Durina vs. Elekes case with Eden Properties' appeal of the Zoning Board's decision was requested by Mr. Durina's attorney and opposed by the Zoning Board attorney. Judge Hansbury indicated, while the cases have not been merged, it would best to proceed with the Durina vs. Elekes matter first. Argument and decision are expected in January.

Operational/Personnel Matters

Following consultation with Judge Devine, it may be necessary to add court dates to accommodate the case load. Up to four additional court dates have been discussed. The Council will be asked to consider this in preparing the 2014 budget. The estimated cost for four additional sessions is \$7300.

A police car (No. 3104) was involved in an accident on December 5<sup>th</sup>. No bodily injury was reported and no other vehicles were involved. Another damaged police vehicle (No. 3103), included in a previous report, is expected to be back in service by the end of the week.

Land Use Matters

The County is preparing a Wastewater Management Plan (WMP) with approved sewer service areas for submission to the NJDEP. In conjunction with this the Borough is required to adopt municipal ordinances for protection of steep slopes and riparian zones. Professionals have been asked to provide input for the new ordinances.

The Zoning Board held their last meeting of the year on December 4<sup>th</sup>. The Planning Board's last meeting is scheduled for December 16<sup>th</sup>. Long time Zoning Board member Rick Gardell has submitted his resignation.

Long-term and Capital Projects

Initial inspection work for milling and repaving of Corkhill Road has been completed. Preparation of a base map is 20% completed. The project should go to bid in January.

The Borough Engineer is working on specifications in preparation for the firehouse natural gas conversion project and specifications for video inspection and report on the Borough's sanitary system.

Miscellaneous

SCMUA has announced free recycling events available to County residents in 2014. These recycling services include Household Hazardous Waste and Electronic Recycling Days. More information will be available in the Borough's 2014 Municipal calendar.

The State's annual bear hunt began yesterday and will end December 14<sup>th</sup>. Not surprisingly, the first bear taken was in Sussex County. The DEP says reports of bear sightings are down 20%.

The Recreation Commission sponsored a very well attended Christmas tree lighting ceremony on Saturday December 7<sup>th</sup>. Santa Claus was also present to hand out gifts to the children. Recreation volunteers spent much time preparing for the festivities and decorating the beautiful new Christmas trees. Many thanks to Jim & Judy Williams and all the volunteers who helped make the event a huge success.

The Fire Department sponsored their annual venison dinner on Saturday, December 7<sup>th</sup>. The dinner is held in recognition of all those who have contributed to the department throughout the year.

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Mayor Crowley reported the Christmas Tree lighting was well attended; recreation did a tremendous job. Franklin Band Holiday Concert will be Sunday December 15, at 2:00 at Wallkill Valley High School. This is a free concert to the community.

Mayor Crowley commented the changes in the agenda was brought up regarding the consent agenda now does not have a spot for the public to participate so he is moving the consent agenda to be beyond the public portion so if anyone would like to comment they can. Mayor Crowley commented he is also looking to do at the January 1 meeting is to change the voting patterns so the Council will rotate. It would still be alphabetical but starting at a different person each vote. This way the same people would not be voting first all each time. We will address that at the reorganization meeting.

Mayor Crowley reminded the Council, the state through best practices is pushing for training for Council members. Mayor Crowley explained upcoming classes and asked the Clerk to forward the information to the Council.

**OPEN PUBLIC SESSION**

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

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented this is the Christmas season and what a great gift to the Borough from Mr. and Mrs. Caserta. Mrs. Heath commented if they are building lots perhaps we can offer Habitat for Humanity one of the lots. Not only would that put the lot back on the records but it would be helpful to low income people.

Linda Jensen, 22 Pale Star Court, Hardyston, stepped forward. Ms. Jensen referred to her letter regarding her car accident.

Mayor Crowley explained the letter went out to all the Council; now the police department is following the protocol and it was passed on to the insurance company. The case manager is looking into the whole problem.

Ms. Jensen commented this was an awful experience; lack of compassion, knowledge and ability to answer questions went on for 7 days. Ms. Jensen commented she didn't hear from Mr. Kilduff until she wrote the letter.

Mayor Crowley apologized for the awful experience; the insurance is looking into the technical information.

Pat Rowett, 36 Rte. 23, Franklin, stepped forward. Ms. Rowett explained her conversation to JCP & L regarding the privacy of their information and utility records will not be released to any other entity. Ms. Rowett explained she was informed what would have to be done before residential information could be released. Ms. Rowett stated toll free numbers residents can call for additional information.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked about the vehicles involving the police cars. Mrs. Tatka commented police are suppose to be setting a good example. Mrs. Tatka commented about Hardyston road department salt truck on Maple Road.

Mayor Crowley commented hopefully in three weeks the bridge will be opened and they will not be on Maple Road anymore.

Mrs. Tatka asked where the property was that was donated. Mrs. Tatka commented that Mrs. Heath's idea was pretty good.

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Randy Nagy, 14 Hillside Avenue, stepped forward. Mr. Nagy was speaking on behalf of his mother Shirley Nagy, 39 Buckwheat road. Mr. Nagy commented on November 12 and 26 his mother complained about a flooding problem in January of 1999 which destroyed the lower level of her house and garage. Mr. Limon was fire chief and was on the property helping to pump water out. Mrs. Nagy received a letter from Mr. Kilduff stating the Borough Engineer visited her property; the sidewalks slops away from her house and there are no drainage problems. Mrs. Nagy's complaint is back to 1999 before there was a sidewalk. Mr. Nagy explained what was done back in 1999 and the visit regarding the zoning permit and conversation with Mr. Drossel.

Mayor Crowley commented the problem is she [Mrs. Nagy] got a permit from the zoning officer to put up garage, during the conversation with the zoning officer Mrs. Nagy agreed she would take away one of the sheds. That was what was agreed to by Mrs. Nagy when the permit was issued to put up a garage. Mayor Crowley commented he realizes there was a problem then at that time, the Borough did what they could, it is not the responsibility of the town for water coming off the road unless the town has done something to make that possible. At this point the problem is Mrs. Nagy was given a zoning permit with [the understanding] she was going to take down a shed, other areas were explored with the zoning officer this is what was agreed upon and it was written on the zoning permit when she took it out.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina thanked Mayor Crowley for the changes in the agenda and moving forward with an open public session and getting everyone involved. Mr. Durina spoke about Sussex County Complete Streets studies for safety needs for motorist, bicycles and pedestrians. They are looking for local input and opinions regarding which elements should be incorporated and where. There was an open house meeting at Vo Tech on Thursday December 5, 2013. Mr. Durina commented he attended that meeting. There was a project called the Rte 23 Auche Drive to Washington Ave in Franklin Borough; there was also 7 or 8 other projects throughout the County. Mr. Durina explained the project for Rte 23 Auche Drive to Washington Ave. Mr. Durina was informed at the meeting the Franklin project was pulled of the list.

Mayor Crowley commented the reason was because there are other projects in town for sidewalks on Fowler Street. This project at the bottom of Washington going over to Auche Drive is also part of an already approved site plan for the Walgreens store. If this site plan is ever done; right now it is an approved site plan which gives sidewalks across that area and he believes sidewalks in back of the store to allow pedestrians to walk from Auche Drive over to Washington Ave in a safer passage.

Mr. Durina commented he spoke to the County planner regarding the sidewalks on Fowler Street it is a separate project and has nothing to do with the project on Washington Ave. Mr. Durina commented the Walgreens is not a done deal. Mr. Durina gave his concerns if that project fails and this project is pulled. Mr. Durina commented this project should be kept on the record and asked for the project to please be put back on the record. Mr. Durina questioned why the project was pulled off the list.

Mayor Crowley commented he believes this is a miss communication he will look into this himself.

Randy Nagy, stepped forward again. Mr. Nagy asked for copies of his mother's [Shirley Nagy] zoning permit.

Mayor Crowley commented your mother is entitled to a copy.

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Mr. Ursin stated when she [Shirley Nagy] was here last time she indicated she had a copy. She can certainly OPRA the zoning permit.

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 stated at this time he would like to go back to the consent agenda.

**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. Memo dated November 25, 2013 from Rachel Heath, Board of Health Secretary to Robin Hough, Borough Clerk, Re: Board of Health Rabies Clinic.
2. Letter dated November 27, 2013 from Melissa A. Rockwell, CTA Sussex County Board of Taxation to Mayor and Council.
3. Letter dated received December 4, 2013 from Linda Jensen to Mr. Kilduff, Mayor Crowley and Town Council Members.
4. Letter dated December 5, 2013 from James C. Kilduff, Administrator to Linda Jensen Re: Claim #043921 - November 16th Motor Vehicle Accident.
5. Letter dated December 4, 2013 from James C. Kilduff, Administrator to Shirley Nagy Re: Block 1302, Lot 17 # 39 Buckwheat Road.
6. Letter dated November 25, 2013 from Robert H. Williams, Jr. Esq. Service Electric broadband cable to Lawanda Gilbert, Director NJ Board of Public Utilities Re: Tariff Changes.
7. Letter dated December 1, 2013 from Sussex County Municipal Utilities Authority to All SCMUA Customers Re: Adopted FY14 Rate Schedule.

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

1. Construction report for November, 2013.
2. COH report for November, 2013.
3. Tax Department report for November, 2013.
4. Health Department report for October, 2013.
5. Vehicle Mileage report for November, 2013.

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

1. None Filed

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

1. Payment of bills for the meeting of December 10, 2013.

Mr. Limon made a motion to approve the consent agenda of December 10, 2013. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder, Zschack  
Nays: None Absent: None Abstentions: None

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Mr. Fanale commented last week it was suggested that the DPW was shorthanded regards to snow removal. Mr. Fanale stated he received a call from a firefighter that suggested those that have CDL and would be willing [to remove snow] would this be already covered under the Borough insurance. Would they be able as employee's of the Borough on a part time bases to plow when needed. Mr. Fanale asked if this is something that would be possible.

Mayor Crowley stated he doesn't know; we can look into this.

Mr. Kilduff stated we are in the process of hiring part time help now. He met with Mr. Vandenbroek today, we advertized; received resumes and applications. We are contacting people now.

There was a brief discussion on DPW part time help.

Mr. Giordano stated he has some old business he would like to mention. Mr. Giordano commented to move forward with the proposal by recreation with the panel.

Mr. Giordano made a motion to have High Point Electric put the electric in for the sign with the extra panel; price \$3,310. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Giordano referred to old business; the main one is a discussion item. Mr. Giordano commented there are three lose ends that need to be addressed between now and reorganization. One would be to formalize the practice of hiring a police officer. Mr. Giordano commented we still have not done any changes to the promotion process within the police department; this really needs to be addressed.

Mr. Giordano stated we have some employment issues in the town; we have people in positions that should be full time and they are not full time. There is one position down stairs in Borough Hall; and discussed this with Mr. Kilduff, we would like to see that employee be full time. Mr. Giordano stated the secretary for the police department, we used to have two positions and now only one; she is doing the job of two people. Mr. Giordano asked if the Council would consider making those two people full time if not for January 1st then shortly afterwards; they work hard and are very close to full time now.

Mr. Giordano commented he would like to see a weight limit on Fowler Street and Junction Street. It would be good for the Borough to do this before [the bridge opens] and traffic starts circling through.

Mayor Crowley commented he is not sure of the legality of how much control we have on a County Road; we can look into this.

Mayor Crowley commented as far as the personnel issue; the personnel chairman is next to you.

Mr. Limon stated the urgent priority right now is the Road Department. Mr. Limon commented he understands the concerns with the office personal and secretary for the police department. Mr. Limon stated he has heard from their supervisors; this has to be addressed.

Mr. Giordano stated this is just what he considers to be loose ends.

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Mr. Snyder referred to old business; abandoned building and properties on Rte 23. There are concerns with tax payers in town; this needs to get cleaned up, those places need to be demolished.

Mr. Kilduff stated the Zoning Officer was in court yesterday regarding the property that is referred to as the Ski Shop. The individual that had title to this property was incarcerated; he made his first appearance, he said he would work with the Zoning Officer. Our goal is to do something with the condition of the property.

Mr. Kilduff commented the other property everyone is concerned about is the Franklin Diner site. There have been reports of health violation; those are being pursued by the County Health Department. The taxes are current on the property; therefore we are limited to what we can do with the property.

Mr. Fanale asked if there was natural gas lines on Corkhill.

Mr. Kilduff explained there are no gas lines on Corkhill and where the lines are in the Borough.

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for November 26, 2013. (Absent: Zschack) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: None Abstentions: None

Resolution 2013-106 Veterans Property Tax Deduction

Mr. Snyder made a motion to adopt resolution 2013-106 authorizing the Tax Collector to refund Bryan Simm, 11 Mt. View Road, Block 1504 Lot 11 the amount of \$250.00 for Veterans Property Tax Deduction for the year tax 2013. Seconded by Mr. Babcock.

Mr. Ursin explained there are four different tax issues on the agenda, two and three are similar they are veterans property tax deductions. There are two different processes for a veteran getting this tax deduction. If someone applies in the fall it automatically attaches to the next year; if they apply during the current year it is the Council's discretion as to whether to give that deduction this year or have it automatically go into the next year. Mr. Ursin wanted to point out for both items two and three those items are within your discretion. This has come up a number of times in the past; the practice has been to grant this but a question was asked and researched so he wanted to bring this out.

Mayor Crowley commented the motion before the Council is for the tax year 2013; if [the Council wants] you can make it for 2014.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-107 Veterans Property Tax Deduction

Mr. Snyder made a motion to adopt resolution 2013-107 authorizing the Tax Collector to refund Thomas J. Connors, 18 Kovach Street, Block 701 Lot 30 the amount of \$250 for Veterans Property Tax Deduction for the tax year 2013. Seconded by Mr. Giordano.



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Mr. Babcock asked if they get this deduction every year.

Mr. Ursin stated once it is approved it is automatic in the following years provided all the same circumstances exists.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-108 Permanently disabled Veteran

Mr. Snyder made a motion to adopt resolution 2013-108 authorizing the Tax Collector to refund Bruce Edsall, 57 Davis Road, Block 1204 Lot 9 tax payments for the 1st, 2nd and 3rd quarters of 2013 previously paid in the amount of \$5,026.41 and cancelling the 4th quarter taxes in the amount of \$1,909.59 for Veterans permanently disabled exemption has been approved for full tax exemption for tax year 2013.

Mr. Ursin stated before someone seconds the motion; this is for a full disabled veterans exemption. It is required to forgive the taxes during the year as to the date of the application. Mr. Ursin suggested to the Council, you have no discretion but to forgive the fourth quarter taxes as this application was made in October. Forgiving of the first three quarter taxes of the year is the Council's discretion. Mr. Ursin commented if the conditions stay the same this continues into the future.

Mr. Ursin commented if you approve this motion as it is currently written you will forgive all four quarter taxes. The Council is required to forgive the fourth quarter but the first three quarters is the Council's discretion.

The motion was seconded by Mr. Giordano.

Mr. Limon asked if the Borough was getting any compensation at all from veteran affairs.

Mr. Ursin replied no.

Mr. Limon asked if [the property] would be off the rolls forever.

Mayor Crowley commented the circumstances are not going to change unless the person sells the property it is off until it is in someone else's name.

Mr. Fanale asked where the verification of the person's disability comes from.

Mayor Crowley stated it comes from the veterans.

Upon roll call vote:

Ayes: Fanale, Giordano, Snyder, Zschack

Nays: Babcock, Limon Absent: None Abstentions: None

Resolution 2013-111 Senior Citizen Property Tax Deduction

Mr. Snyder made a motion to adopt resolution 2013-111 authorizing the Tax Collector to refund John Kopcsó, 14 Scott Road, Block 802 Lot 3 the amount of \$250 for Senior Citizens Property Tax Deduction credit for the year 2013. Seconded by Mr. Giordano.

Mr. Ursin stated this deduction had been granted in the past but there was an issue with filing the paper work; since the paper work is now all in order, he suggested the Council should pass this.

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Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Snyder, Zschack

Nays: Limon Absent: None Abstentions: None

Resolution 2013-109 Transfer Resolution

Mr. Snyder made a motion to adopt resolution 2013-109 transfer of Appropriations. Seconded by Mr. Limon.

Mrs. Miebach, CFO explained the resolution to the Council.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2013-110 Revenue and Appropriation

Mr. Snyder made a motion to adopt resolution 2013-110 requesting approval of items of Revenue and Appropriation NJS 40A:4-87. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Crossing Guard Appointment

Mr. Snyder made a motion to appoint Tameka Grant substitute crossing guard to permanent crossing guard as recommended by Head Crossing Guard Lynn Warr Prtorich. Seconded by Mr. Giordano.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of New Jersey State Firemen's Association Membership Application

Mr. Snyder made a motion to approve the application for membership for of Eric A. Stahl, 2 Hemlock Drive, Franklin to the Franklin Fire Department as recommended by Jeffrey Snyder, Franklin Fire Department Chief. Seconded by Mr. Giordano.

Upon roll call vote:

Mr. Babcock voted yes.

Mr. Ursin commented for fireman to Abstain.

Ayes: Fanale, Giordano, Zschack

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

Discussion on DPW Supervisor Contract

At this time there was a discussion regarding the DPW Supervisor Contract.

Mr. Limon stated this has been going on for a long time. Mr. Limon commented he doesn't think he should have a contract for CPWM; he thinks employees should fall under the employee manual; this should only be a discussion of salary. Mr. Limon commented we don't need a contract/employee agreement; we have three now; FOP, Police Chief and the Administrator. In the past there were numerous; we slimed lined it with only three contracts for employment in the Borough. Mr. Limon commented he doesn't think we should have more than is what our [the Council] original thought was; we are straying from it. The Council should follow what we said before.

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Mr. Fanale commented on what he observed so far from the wings; he hasn't seen or heard any good argument for this other than just because specifically there should be job security. It was stated by one of the residents public employees are deserving of job security regardless of their job performance. Just go give someone a contract so they have stability going down the road is not reasonable. There are many Borough residents that don't have jobs; they have to make the mortgage payments on their properties and they still have to pay for the stability of somebody else. That doesn't seem fair they have the same protections from the New Jersey Department of labor that any other employee [has]. Proper job performance is going to bring job security. Mr. Fanale commented if we are saying put tax payers first and then agree to a salary that is unreal; these numbers are unreal. Mr. Fanale commented he doesn't see how this can be in the best interest of the tax payers.

Mr. Snyder commented he knows you [Mr. Fanale] weren't sitting here; these numbers really haven't changed, the numbers have been that way [for] a few years. The numbers were acceptable to everyone sitting up here at the time. It was the the contractually language and what he wanted. Mr. Snyder commented Mr. Limon was right, at the time we [the Council were not] looking to go into another contract. Things move forward this fellow has been doing his job adequately; he has been in the department for a long time; knowledgeable and does a fine job. Obviously he hasn't taken anything from the town for the last over two years for doing the job that he was doing only taken his salary and the two percent raise like everyone else received. Mr. Snyder commented he should be able to have this contract to go [forward].

Mr. Giordano commented he echoes what Councilman Snyder said. Mr. Giordano commented he was originally sworn in when contracts for employees are nonsense; with time and experience he learned there are jobs that can be political and jobs that should not be publicized. This position has been publicized he doesn't agree with that. Mr. Giordano stated the money figure you are talking about is already being paid by the Borough. It is the total of what he was earning with his base salary and overtime. There is no change in salary. Mr. Giordano commented this is a fair agreement that respects both the Borough's budget, Borough's taxpayers and the employee. Mr. Giordano stated he worked hard at this, Councilman Zschack worked at this along with Councilman Snyder and Miller.

Mr. Giordano made a motion to accept the agreement as proposed with the date of December 10. Seconded by Mr. Snyder.

Mr. Limon asked for an evaluation from the Borough Administrator for the Acting Department head.

Mayor Crowley stated we have had that.

Mr. Fanale commented he is almost there with the contract but he has a problem with the \$5,000 after the completion of CPWM course. Mr. Fanale explained why. Mr. Fanale commented raises should be up to the discretion of the Council.

There discussion continued on the contract.

Mayor Crowley read to the public items in the contract: July 1, 2011 is when Mr. Vandebroek became the temporary supervisor, if this contract is approved it will be retroactive to September 1, 2013 at a salary of \$88,700, January 1 , 2014 he will get a two percent raise which comes up to \$90,474. When CPWM is finished he will get a \$5,000 raise and bring him up to \$95,474, January 1, 2015 he will get \$97,083 and change, January 1, 2016 it will be \$99,331.15. This is a three year contract

**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  
December 10, 2013**

starting September 2013 ending September 2016, he gets \$600.00 a year clothing allowance and \$480.00 a year for use of his private cell phone.

Mayor Crowley stated before the vote his opinion; which won't matter because he won't vote is the person is very capable of doing this, no questions on that, he does think for a town this size with the financial background of a blue collar town that this is excessive but that is up to the Council to vote.

Upon roll call vote:

Ayes: Giordano, Snyder, Zschack

Nays: Fanale, Limon Absent: None Abstentions: Babcock

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:28p.m., seconded by Mr. Snyder.

All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk