

**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  
FEBRUARY 24, 2009**

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. Barton, Mr. Limon, Ms. Miller, Mr. Snyder, Mr. Stoll, Mr. Zschack, and Mayor Crowley.

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. Fredon Township Resolution of Intent to Join Coalition of Concerned Municipalities impacted and infected by PSE&G proposed transmission line.
2. Elizabethtown Gas Notice of Public Hearing for recovering costs.

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

1. None Filed

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

1. None Filed

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

1. Payment of bills for the meeting of February 24, 2009.

Mr. Snyder made a motion to approve the consent agenda of February 24, 2009. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

**PRESENTATION**

Mr. Kilduff, Community Development Director, and Mr. Knutelsky, Borough Engineer, gave a presentation to the Council on Franklin Borough's Sewer Service Area Mapping presently being revised by the NJDEP. Mr. Knutelsky explained the proposed maps showing the reduction of the Borough's Sewer Service Area submitted by the NJDEP and the County of Sussex. Mr. Knutelsky then explained the map proposed by the Borough which will be submitted to the County and NJDEP, if the Council approves, which shows certain proposed developments included in the sewer service area. A lengthy discussion followed the presentation.

**OPEN PUBLIC SESSION**

Mr. Zschack made a motion to open the meeting to the public for anyone wishing to address the Governing Body regarding the Sewer Service Area Maps. Seconded by Mr. Limon. All were in favor.

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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. Stoll. All were in favor.

**Approval Sewer Service Area Map Revision of 2-20-09**

Mr. Stoll made a motion to approve the revised sewer service map of 2-20-09 including the two memorandums from Mr. Knutelsky.

**Resolution Authorizing Certain Highlands Grants #1, #2 & #3**

Mr. Zschack made a motion to adopt a resolution authorizing application and administration of certain Highlands Grants, specifically #1, #2 and #3. Mr. Stoll seconded the motion.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

**COMMITTEE REPORTS**

Mr. Stoll reported that salt is a big expense this year; the cost is \$68.95 per ton. It takes one ton for one mile of road plus. There are forty eight miles of road. We are using more liquid magnesium chloride that cost \$1.24 per gallon.

Mr. Limon reported that the Recreation Commission meets tomorrow.

Mr. Snyder asked for executive session for personnel.

Mr. Zschack reported that two applications were deemed complete and testimony will be heard at the next meeting. WalMart final site plan was carried to the next meeting. He asked for executive session for police negotiations. He and Mr. Snyder will be attending the school budget meetings.

Mr. Barton handed out reports for Rt. 23 and Walsh Rd. and the recommendations from the Chief of Police.

Mr. Wolak gave his report and he asked for executive session for contracts and police negotiations and Administrative chain of command. A copy of the report is on file in the Borough Clerk's Office.

**OPEN PUBLIC SESSION**

Mr. Stoll 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.

Mr. Frank Garrera of 14 Susquehanna stated that the Brian VanDenBroek, Water Dept. Supervisor and the Administrator refused to fix a water main break. He claims that the Borough put in the second line and his house runs off of it. The second line is not his.

Mr. Wolak explained that it is normal policy that anything after the curb stop is the homeowner's responsibility for repairs. Mr. Wolak stated that he will work to reimburse Mr. Garrera if he can prove that the Borough does own the line.

Mr. Garrera said to check with Ex-Mayor Kistle who said he would put in a one and a one half inch line and turn it over to him.

Jim Grabkowski of Ridgewood Road complained about Walsh Road and Ridgewood Road being a cut through for Hamburg and Hardyston Traffic. He claims that there is five cars per minute. Something needs to be done.

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Joanne Tatka, 151 Maple Rd., asked if the Borough pays for lunch hours. The Mayor responded "no".

She asked if the court is a self sustaining department. The Mayor said that they actually make money. She asked if there was a salary ordinance for 2009. She asked about delinquent taxes? Mr. Wolak explained that there will be an ordinance after negotiations and the tax collector reported a 98% collection. She asked if two policemen go to a call do they both fill out a report? The Mayor responded that it depends on the call.

Mary Brucato of 11 Ridgewood Road agreed with Mr. Grabkowski. Something needs to be done and you cannot walk on the street with children.

Dolores Segcum of Ridgewood Road stated that the police were sent to patrol in front of the Garnis residence at 10:00 am. They need to be there at 7:00 am. There is more traffic than ever and the drivers don't care about people on the street.

There being no one else present who wished to address the Governing Body, Mr. Stoll made a motion to close the meeting to the public, seconded by Mr. Zschack. All were in favor.

**OLD BUSINESS**

Mr. Barton discussed Ridgewood Road. He discussed the signage and the speed limit.

Mr. Snyder asked "where do the people go?"

Mr. Wolak stated that the Council needs to address the intersection of Buckwheat Road and Route 23. He will put together a few options and get back to the committee

**NEW BUSINESS**

Mr. Snyder asked about the feasibility study? The Mayor replied that he has not heard anything from Ogdensburg Borough.

**Approval of Meeting Minutes**

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on February 10, 2009. Mr. Limon seconded the motion.

Mr. Zschack questioned the motioned for the payment of bills and was informed that the payment of bills is actually part of the consent agenda.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

**Adoption Ordinance #1-2009 Amending Chapter 218 Signs**

Mr. Snyder motion is in order to adopt an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 218 OF THE CODE OF THE BOROUGH OF FRANKLIN ENTITLED "SIGNS". Mr. Zschack seconded the motion.

Mayor Crowley opened the meeting to the public for any comments regarding ordinance #1-2009.

There being no one present who wished to address Ordinance #1-2009, the Mayor closed the meeting to the public.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

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Adoption Ordinance #2-2009 Clothing Bins

Ordinance #2-2009 was tabled to the March 10, 2009 Council meeting.

Adoption Ordinance #3-2009 Amending Fees

Mr. Snyder made a motion to adopt an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 119, FEES OF THE FRANKLIN BOROUGH CODE". Mr. Zschack seconded the motion.

Mayor Crowley opened the meeting to the public for any comments regarding Ordinance #3-2009.

There being no one present who wished to address Ordinance #3-2009, the Mayor closed the meeting to the public.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

Approval 2009 Interlocal Agreement for CFO

Mr. Barton made a motion to approve the Interlocal Agreement with Hardyston Township Municipal Utilities Authority for Chief Financial Officer for the year of 2009 at a cost of \$12,976.00. Mr. Stoll seconded the motion.

Mr. Zschack questioned how many years the contract for this interlocal has been in effect and was informed two years.

Mr. Snyder questioned the 3% increase & stipend increase to Mr. Rome and was informed this was the rate negotiated.

Mr. Zschack questioned if Mr. Rome worked for the HTMUA during his normal work hours and was informed he works off premise.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

Dedication of Rider Resolution for Uniform Fire Safety Act Penalties

Mr. Zschack made a motion to adopt a resolution requesting permission for the dedication by rider for Uniform Fire Safety Act Penalty Monies (NJS 52:27D-192 et seq.) Trust Fund. Seconded by Mr. Barton.

Mr. Zschack requested an explanation of this resolution.

Mr. Wolak informed the Council that the State did a review and the Borough was required to have a separate reserve account for the fees collected for fire inspections.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

Resolution Cancelling 2004 Taxes

Ms. Miller made a motion to adopt a resolution cancelling 2004 taxes of \$229.04 for Block 30 Lot 39.01, 68 Nestor Street due to the lot being combined. Mr. Limon seconded the motion.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Stoll made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:49 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Approval FOP Memorandum of Agreement

Mr. Zschack made a motion to approve the Lt. McInerney Memorandum of Agreement with the FOP. Mr. Limon seconded the motion.

Mr. Wolak explained this is an agreement by the Borough, FOP #57 and Lt. Eugene McInerney. Effective March 1, 2009 the FOP shall be recognized as the bargaining representative for all police officers holding the ranks of patrol officer, sergeant and lieutenant. Ranks of Captain, Deputy Chief and Chief are excluded from the contract. Lt. McInerney will not be entitled to longevity and 4 days off for 50 hours of straight time paid.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: None

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 9:50 PM, seconded by Mr. Limon. All were in favor.

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Paul B. Crowley, Mayor

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Patricia Leasure, R.M.C.