

**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
MARCH 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. Zschack, Mayor Crowley.

Absent: Mr. Stoll

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."

PRESENTATION

Introduction of Municipal Budget

Mr. Wolak explained the procedure for introduction of the 2009 municipal budget and how these are preliminary figures, they do not include state aid, deferral of pensions or any last minute reviews for changes by the budget committee. This is not the adoption of the 2009 municipal budget.

Mr. Rome, Borough CFO, and Katherine Mantell, Borough Auditor, gave a brief overview of the municipal finances.

Mr. Rome discussed the loss of revenue which included the loss of some of the extraordinary aid and construction department revenues. He also explained that expenditures are down and salary and wages went up, as did the cost of living.

Mr. Wolak explained that the day to day expenditures had been reduced. The state of the economy is to blame for losses in aid and the added costs. The proposed introduction rate is twenty three cents. School and County taxes are beyond our control but we have projected them in the area of 4%. Mr. Wolak explained that by law the school and county tax requirements must be paid before the Borough can pay any borough expenditures. The Borough is the sole revenue for the school boards as they do not generate any revenue.

Ms. Mantel explained projections for the 2009 budget including taxes and water/sewer utilities.

Mr. Barton asked about the reduction in investments. Mr. Rome explained that the bank rates are down from five percent to less than one percent.

Mr. Zschack explained that there is actually a cost savings for moving the construction department even though it appears in the budget that there is a loss of revenue.

The Mayor explained that this is the worst case scenario budget and will be cut again if the borough does not receive any additional revenue. Copies of the budget are available at the clerk's office for the public to review.

Formal hearing for the 2009 Municipal Budget will be April 28, 2009.

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.

Mr. Zschack briefly discussed the police over time for February.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. None

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REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. February 2009 Police Report
2. Municipal Court Report for February 2009

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

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

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

COMMITTEE REPORTS

Mr. Zschack asked for executive session for police negotiations. He updated the Council on Walsh Road. The committee met with the residents and Mr. Wolak gave the Council six options to remedy the situation. Mr. Zschack stated he contacted the Board of Education and felt the reconfiguring of drop off and pick up of students at the school and the reopening of Washington Avenue were not options. Mr. Zschack explained that there were some other options that were not included and he would discuss this further with the public safety committee.

Mr. Wolak explained that Washington Avenue was included because the residents felt Ridgewood and Walsh Roads were being used by people dropping off or picking up their children and also used as a cut through to go to ShopRite. Mr. Wolak stated that he tried to incorporate everything that was suggested by the road superintendent, traffic safety officer as well as the concerns raised by the residents. The ultimate choice will be the Council's.

Mr. Wolak gave his report, he add that a copy is on file in the Clerk's office. He discussed pension deferral, releasing Sgt. Kulsar's service weapon to him upon retirement, Embarg right of way ordinance and RFP's for the Energy Audit. He asked for executive session for police negotiations and contract for police merger.

The Mayor reported that the Clerk's office and Administrator have been moved down stairs and that Zoning and Planning have been moved to the old clerk's office upstairs. There has been progress on the utilities for Mill Street. The Hungarian Church was moved over the foundation. He explained that the School Board does a good job on the school budget and urged everyone to support it. The Mayor discussed the history of the Washington Avenue closure and the traffic light. He explained that there is no viable option to reopen it.

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. Zschack. All were in favor.

Louise Murphy of 75 Maple Road asked if Walsh Road can be closed off after the apartments. She was disappointed that opening Washington Avenue was even brought up and felt this was like a parole board.

Doug Kistle of 123 Davis Road questioned the budget and taxation of 33 cents for a total of \$330 per \$100,000 assessed. He stated that he did not see this big influx of cars from the school onto Ridgewood Road and suggested a counter be used.

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Dennis Harrington 23 Taylor Road asked the Council to take into consideration the possibility that closing Walsh Road could move the problem from one place to another. Similar issues are also on Taylor Road.

Tom Turner, Superintendent of Franklin Borough School thanked the Council and employees for looking at potential problems in opening Washington Ave. He enjoys the cooperative relationship with the police and crossing guards.

Wayne Yahm of 99 Davis Road discussed that the school board budget is approximately at 4.5 cents. The regional school tax is going down and he questioned the diligence of the Borough and requested the Borough look at lowering its 23 cent rate to 4.5 also.

Richard Kell of 5 Hemlock Drive is opposed to opening Washington Avenue and stated that the school board asked the school administrator to cut the budget a little more.

Rich Moss of 95 Davis Road is opposed to opening Washington Avenue because of the safety issues.

Sally McGrath of 7 Walsh Road is concerned about the proposals for Walsh Road. She expressed that there is no place to park and suggested that the residents be contacted before any final decision is made.

Shawn Kidd of 3 Evans Street said that all the traffic comes from North Church Road and the Borough should start directing traffic there to use Fowler Street for access to Route 23. Mr. Kidd felt Taylor Road and Walsh Road should be closed.

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. Zschack. All were in favor.

The Mayor and Council took a short recess.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on March 10, 2009. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Introduction Ordinance #5-2008 Exceed Budget Cap

Mr. Zschack motioned to introduce an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The final reading will be April 14, 2009.

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Introduction FY 2009 Municipal Budget

Mr. Zschack motioned to adopt a resolution introducing the 2009 Municipal Budget for the Borough of Franklin. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The Public Hearing will be April 28, 2009.

Adoption Ordinance #4-2009 Intoxication in Parks

Mr. Snyder motioned to adopt an ordinance entitled, "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO MODIFY SECTION 196-6M OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING INTOXICATION IN PARKS". Seconded by Mr. Zschack.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #4-2009. No one from the public wished to comment.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Adoption Ordinance #2-2009 Regulating Clothing Bins

The adoption of Ordinance #2-2009 will be carried to April 14, 2009.

Memorial Day Parade Approval

Mr. Limon motioned to approve the request from the American Legion Post 132 to hold their annual Memorial Day Parade and Service on May 25, 2009, line up beginning at 10:00 AM. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Approval Risk Management Consultant's Agreement

Mr. Snyder motioned to approve the 2009 Fund Year, Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Resolution Authorizing 2008 Budget Appropriation Reserve Transfers

Mr. Zschack motioned to authorize the 2008 Budget Appropriation Reserve Transfers of \$27,600.00 from the current fund and \$1,520.00 from the water/sewer fund. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Discussion on Pension Deferral

The Governing Body held a discussion regarding pension deferral. The Mayor explained if we accept the pension deferral we will commit ourselves to a large amount of money in the future. The deferral has to be paid back over a fifteen year period. He explained that they do not know the actual rate of interest that will be

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charged for the deferral but if the Borough does not participate in the deferral they cannot request state aid.

Mr. Wolak explained the deferred pension guidelines in detail.

Ms. Mantell, Borough Auditor and Mr. Rome, CFO discussed the pros and cons of the deferral and state aid.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack made a motion to adjourn into closed executive session at 8:56 PM to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Barton.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:26 PM and Mayor Crowley declared the meeting to be reconvened into open public session.

Approval for Franklin Nite

Mr. Limon motioned to approve Franklin Day be moved to June 27, 2009 and also have the name changed to Franklin Nite. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Service Weapon to Sgt. Kulsar Approval

Mr. Limon motioned to approve granting Sgt. Kulsar his service weapon, after retirement. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

MISCELLANEOUS COMMENTS

Mayor Crowley advised the Council Members that if they have a conflict of interest with Walsh Road or Washington Avenue they should not be discussing this issue. Mr. Barton disagreed stating he can talk and discuss it, but not vote. The Mayor mentioned that Mr. Snyder lives off of Washington Avenue. The Borough Attorney discussed the conflict of interest regarding zoning members versus council issues. Mr. Ursin stated he would research it and will get back to Mr. Wolak by the end of the week with his advice. Mr. Barton said that one of his main reasons for running for Council was that the residents around there said that they have been coming here for years and no one is listening to anything we say. Ms. Miller felt that Mr. Barton has done his part for the residents on this and the matter is now in front of council.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:30PM, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.