

**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
AUGUST 11, 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. Stoll, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Snyder

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. Resolution from the Township of Hampton supporting the PSAP for Sussex County by the Sussex County Board of Chosen Freeholders.
2. Resolution from the Township of Hampton supporting the SCLM request to amend the Open Public Records Act.
3. Resolution from the Township of Lafayette supporting the PSAP for Sussex County by the Sussex County Board of Chosen Freeholders.
4. Resolution from the Township of Green requesting amendment of the Open Public Records Act.
5. Elizabethtown Gas RE: Notice of Public Hearings
6. JCP&L RE: Notice of Public Hearing

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. June 2009 Municipal Court Report
2. June 2009 Police Department Report
3. July 2009 Police Department Report
4. June 2009 Finance Report
5. July 2009 Tax Collectors Report
6. July 2009 Construction Department Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 11, 2009.

Mr. Zschack made a motion to approve the consent agenda of August 11, 2009. Seconded by Mr. Limon.

Mr. Stoll questioned payment of a bill on the consent agenda and was informed by Mr. Wolak that it was to be discussed in executive session.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

COMMITTEE REPORTS

Mr. Zschack requested an executive session on contracts and reported that the borough will be receiving \$200,000.00 in State Aid. The 26 cent tax increase has now been reduced to 12 cents. Mr. Zschack felt this was a good number.

Mayor Crowley announced that we will be introducing the budget at 12 cents, if there are no objections, on August 18th, 2009 at 8:15 am.

Mr. Barton explained that he would like to look at the budget again to see if it could be lowered more.

Mr. Wolak informed the Council that the budget can be introduced, and then changes can be made before the adoption of the budget. He recommended keeping some money in reserve to cover increase costs of pensions and health insurance since we may not get aid next year.

Ms. Miller questioned the police reports for June and July; car 3104 is not on the report. Mr. Wolak said that the car is behind the building. She questioned the PT Cruiser car 3106. The Mayor explained that the car was a drug confiscation car. The Chief will give option on the use. The vehicle will be looked at to see if it can be used as a Borough car.

Mr. Limon reported that he did not attend the recreation meeting as he was on vacation and asked Ms. Miller to report on Recreation. Mr. Limon reported that there are 19 people signed up for the picnic. He will prepare for 50 people.

Ms. Miller reported the Recreation Commission went over the proceeds from Franklin Day and that there will be a special meeting on August 19th with the Administrator and CFO to discuss fund usage.

Mr. Wolak gave his administrator's report which is on file in the Clerk's office. He reported that the summer kids did a good job and the summer help ends this week. He asked for an executive session for arbitration hearings and personnel contract. He discussed the meeting schedule for 2010. He discussed Veterans Day and that the employees would like to have the following Friday off instead of the actual Veterans Day which falls on Thursday. The Council had no objections to moving the holiday.

Mr. Zschack asked about the reduction of \$35,000.00 reduction of a bid proposal. Mr. Wolak explained that the company is using local personnel rather than out of state engineers.

Ms. Miller asked about the car for the detective, she suggested using the PT Cruiser. Mr. Wolak informed her that an unmarked car cannot be used.

Mayor Crowley reported that the Senior Housing now has an onsite manager occupying a unit. They are finishing up a few things to get a CO. Mr. Zschack questioned the units rented. The Mayor said he was told half is rented. Mayor Crowley discussed Miners Cove project and that the Borough may use the performance bond to finish the units. Attorney Ursin said he will discuss this in executive session as pending litigation. Mayor Crowley informed the Council he called our legislators and thanked them for the \$200,000.00 State Aid.

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. Limon. All were in favor.

Don Brossman Vice President of WVYFL requested that the Borough use the football field for football only. The League puts \$1000.00 a year in the field and concessions stand. They keep the field in excellent shape and everyone else wants to use it, such as Soccer and Lacrosse.

Joann Taka of 151 Maple expressed her concerns for the tax increase; she asked if it was taking the revaluation into consideration and is the police contract in the increase? She asked if the 26 cent tax increase was used for the estimated tax bill. The Mayor explained that 22 cents was used for the tax bills. She asked about the COAH units. The Mayor said that Franklin is in good shape with COAH because of Franklin Senior Housing. She questioned the cancellation of Main Street Happening. The Mayor explained that it was not brought forward in a timely manner. It was discussed in the June EDC meeting.

Betty Allen of Jenkins Road informed the Council she left a letter with Mr. Wolak and that she met with Main Street Committee. She explained the details of the event in the letter. It was not the Committee's fault there was no August EDC meeting.

Mayor Crowley felt that they should not have had a special meeting when they were told not to by the Economic Development Committee.

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 Ms. Miller. All were in favor.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on July 14, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Introduction Ordinance #13-2009 Nuisances

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE TO REPLACE CHAPTER 191 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING NUISANCES". Seconded by Mr. Zschack. The FINAL READING will be held SEPTEMBER 8, 2009.

Mr. Ursin explained that the Court requested this ordinance be updated and that it is usually used for plea bargaining.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Authorizing \$853,750 Bond Anticipation Notes

Ms. Miller motioned to adopt a resolution authorizing the issuance of \$853,750 Bond Anticipation Notes. Seconded by Mr. Zschack.

Mr. Wolak explained that this is a renewal of existing bonds.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Cancelling \$122,400 Small Cities Grant Balances

Ms. Miller motioned to adopt a resolution cancelling \$122,400 in Small Cities Grant CDBG 2006 from the accounts ledger and accounts receivable due to inactivity. Seconded by Mr. Stoll.

Mayor Crowley explained that the money was from the State for low income people to fix up their homes. A program people used in the past. The application is tight, nobody was using this and there is a lot of paperwork. The State approached us to say we can drop the program because it is not being used anymore. Jim Kilduff's office used to process it in the past. At this point there are no applicants.

The Mayor explained that this is not money we are giving back. It is a program that they should really redo on a state level. They need to up the limits. You need to be too poor to qualify and be too poor to fix up your house. The DCA ran the grant. We accepted the grant four or five years ago and asked for extensions.

Mr. Wolak stated that they actively went out to try to secure participants for the grant but based on income qualifications, the residents were actually too rich to received money from the grant. It created a situation where we were limited for applications to the state for any new monies. They would not give us any new monies because of this open grant. Mr. Wolak explained that this is not money we are returning. The residents would be loaned the money.

Mr. Zschack stated that if there is money elsewhere we could get that money. He was concerned that we are giving money back that we can use at some point.

Mr. Limon asked about the two or three applicants that did get the money. Mr. Wolak stated that the residents used approx. \$77,000.00.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Supporting Over the Limit Under Arrest

Ms. Miller motioned to adopt a resolution supporting the Over the Limit Under Arrest 2009 Statewide Crackdown. Mr. Zschack Seconded.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Selecting "Outstanding Older American"

Ms. Miller motioned to adopt a resolution selecting an Outstanding Older American for the Borough of Franklin. The Senior of the Year will be announced to the public on Sunday, August 16, 2009 at the Annual Senior/Appreciation Day. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Refunding Sign Permit Application Fee

Ms. Miller motioned to adopt a resolution authorizing the Zoning Officer to refund window sign permit application fee for Open Lotus. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Resolution Refunding Taxes for Block 18 Lot 18

Ms. Miller motioned to adopt a resolution refunding payment of taxes in the amount of \$1,202.57 applied to Block 18 Lot 18 also known as 165 Main Street to BAC Tax Services Corporation. The payment was for 165 Main Street, Franklin Township, in Somerset County. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Approval of Energy Audit Grant to Concord Engineering Group

Ms. Miller motioned to approve the Energy Audit Grant Award in the amount of \$4, 417.00 to Concord Engineering Group Inc. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

Discussion Item - Cell Phone Stipends

Mr. Wolak explained the cell phone stipends and that the Borough provides cell phones to certain employees. The Chief informed Mr. Wolak that certain police personnel requested they would like to use their personal phones and receive a \$20.00 per month stipend to offset the costs. This way they are not carrying several phones.

Mr. Zschack discussed that he wanted to make sure that they provide the Borough with those phone numbers. The Administrator will give the Council the new cell phone numbers.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Limon made a motion to adjourn into closed executive session at 8:11p.m. to discuss contracts, litigation and attorney client privilege matters. Motion seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: Snyder Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:02 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Barton discussed the Main Street Touch a Truck explaining that he would be for any activity on Main Street. The Mayor explained that EDC decided to cancel the event and there was no support for this activity, not done in a timely manner.

Ms. Miller explained that the group as a whole cancelled the event.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:06 PM, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.