

**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 10, 2009**

Mayor Crowley called the meeting to order at 7:06 PM 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, and 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."

CONSENT AGENDA

Mayor Crowley requested that all person's present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

Mr. Limon made a motion to approve the consent agenda of November 10, 2009. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Lafayette Township RE: Resolution Endorsing Green Acres, Water Supply and Floodplain Protection.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Finance Report for September 2009.
2. Police Report for October 2009.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 10, 2009.

COMMITTEE REPORTS

Mr. Limon reported that the Halloween events went very well. He thanked the Mayor and the Recreation Commission for all that they had done.

Mr. Snyder discussed the step increase request from one of the DPW employees. His last increase was in 2005, step 9 was requested, the committee recommended step 8, the current hourly rate is \$20.03 and the new rate would be \$22.20 per hour.

Russell Hotalen – DPW Step Increase

Mr. Snyder motioned to give Russell Hotalen a step 8 salary rate increase. Mr. Barton seconded.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

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Attorney Ursin reported that the Beazer settlement included a back up well. The Borough needs the back up well and an agreement has been reached for the Borough to drill and do the permitting of the new backup well. There will be an extension of an additional three years to file a site plan. A lien will be filed against the property and the DEP permitting process can begin within the Boroughs time table.

Indian Ridge Agreement

Mr. Snyder made a motion to approve the Indian Ridge Agreement and authorize the Attorney to execute the agreement on behalf of the Borough. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Richard Wolak, Administrator gave his report which is on file in the Clerk's office. Mr. Wolak reported the repairs to Maple Road were completed and the Borough saved over \$5000.00 with an outside contractor. The DPW almost completed repairs at the pistol range. The Main Street signs that were ordered will be in soon and put up. He discussed the projected SCUMA rate schedule and increase of \$200,000.00 for treatment. This could result in a 6 – 8 cent increase in the municipal tax rate for 2010. He discussed the debt service of SCUMA which is about 45%-50% of operating costs. SCUMA might lose state aid next year. The Council discussed that the towns affected should get together on this.

The Mayor reported that he went to the firehouse for the Halloween Parade. The Boy Scouts and Franklin Band helped with the festivities. He discussed the incident Monday night at Precision Propane. Residents were evacuated to the firehouse. The State Fire Marshall will be inspecting the site. The Police command vehicle worked well. The OEM was at the scene and did a nice job.

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. Limon. All were in favor.

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

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting held on October 27, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: Barton

Adoption Ordinance #15-2009 Abandoned Vehicles

Ms. Miller motioned to approve an ordinance entitled "AN ORDINANCE TO REPLACE CHAPTER 255 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING ABANDONED VEHICLES." Seconded by Mr. Limon.

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Mayor Crowley opened the meeting to the public for any comments regarding ordinance #15-2009.

Police Chief Kistle discussed his concerns regarding the ordinance, such as liability, compensation for vehicles, proof of liability insurance being included and the police department taking possession of the vehicles. There was a brief discussion on the ability of the Zoning Officer to issue the complaints.

Ms. Miller motioned to table the ordinance to the meeting of November 24, 2009 with minor modifications. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Resolution Amending Capital Budget as per Bond Ordinance #16-2009

Ms. Miller motioned to adopt a resolution amending the capital budget to include \$850,000.00 for Improvements to the Sewer-Water System as per bond ordinance #16-2009. Mr. Rome explained the process amending the capital budget. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Introduction Bond Ordinance #16-2009

Ms. Miller motioned to introduce a bond ordinance entitled "BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER AND SEWER SYSTEMS IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$809,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. 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 held November 24, 2009.

Introduction Ordinance #17-2009 Amending Chapter 194

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 194 REGULATING PARKING AT THE BOROUGH OWNED PARKING LOT LOCATED AT THE INTERSECTION OF MAIN AND PARKER STREETS." 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 held on November 24, 2009.

Site Plan Application Fee Waiver for RoNetco Supermarkets, Inc.

Ms. Miller motioned to approve a waiver of the Site Plan Application Extension Fee for RoNetco Supermarkets, Inc. The present site plan approval expired October 1, 2009. Seconded by Mr. Zschack.

The Administrator explained that they passed the deadline for the extension and were told that they would have to reapply and pay the fees. In a letter from the Planning Board reviewed the application and felt that all fees should be paid.

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Upon roll call vote:

Nays: Barton, Limon, Miller, Snyder, Zschack

Ayes: None Absent: Stoll Abstentions: None

Appointment Emergency Management Council Member

Ms. Miller motioned to approve the Mayor's appointment of Richard L. Border as a member to the Emergency Management Council. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Introduction Ordinance #18-2009 Replacing Portion of Chapter 10

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE TO REPLACE PORTIONS OF CHAPTER 10 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING THE BOARD OF PUBLIC WORKS." Seconded by Mr. Limon.

The Administrator explained that they will meet as needed.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The final reading will be held November 24, 2009.

Approval Franklin Village Condominiums TWA

Ms. Miller motioned to approve and authorize the Mayor to execute the Treatment Works Approval Permit Application submitted by Franklin Village Condominiums. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Discussion 2009 Municipal Capital Improvement Budget

A discussion was held regarding the 2009 Municipal Capital Improvement Budget. The Council discussed capital purchase of a new video recording system for the police cars, the Fire Department purchasing five sets of turnout gear and two additional air packs and bottles.

Mr. Rome explained the levy cap to the Council and public.

Mr. Snyder informed the Council that the committee looked at everything.

The Council also discussed capital improvements to various streets and sidewalks including repairs to the municipal building parking lot. The improvements include repair of the Main Street wall at High Street, sidewalks at the Senior Center and Hemlock Drive, resurfacing of Evans Street and Maple Road and replacing guiderails on Taylor Road. Also included is the purchase a dump truck for DPW, a plow, spreader and hydraulics.

There was a discussion on a grant that was available from the Elections Board for improvements to polling places for ADA compliance which includes ramps, sidewalks, signs and lighting.

Mr. Rome explained the debt ration to all those present. It is a quarter of 1%. The total outstanding debt is one million three.

MISCELLANEOUS COMMENTS

There were no miscellaneous comments for tonight's portion of the meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:59 PM, seconded by Mr. Zschack. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.