

**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 9, 2010**

Mayor Crowley called the meeting to order at 7:00 pm and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Kulsar, Mr. Limon, Ms. Miller, Mr. Snyder, Mr. Stoll, 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."

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. The Mayor explained that on the Police report the lockdown at school was a drill.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Lafayette Township Resolution opposing Senate Bill S-3094 requiring standards for Public Works Contractors.
2. Lafayette Township Resolution opposing Assembly Bill A-4151 expanding prevailing wage requirements.
3. Lafayette Township Resolution opposing Assembly Bill A-4305 requiring standards for Public Works Contractors.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Report for January 2010.
2. Police Report for January 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 9, 2010.

Mr. Limon made a motion to approve the consent agenda of February 9, 2010. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported that the plows and salt spreaders are ready to go.

Mr. Limon reported that the Senior Spring Fling will be April 17th at the fire house and Franklin Nite is June 5th.

Mr. Kulsar reported that many of the organizations are concerned about storage and renovations for the concession stand. Recreation is looking at combining the storage and concession stand into one building. This is in the very early planning stages and the organizations were asked to supply their requirements for storage and suggestions for the concession stand.

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Attorney Ursin asked for executive session for litigation matter.

Mr. Wolak gave his report which is on file in the Clerk's office. He asked for executive session for personnel. He reported that the bid opening for the DPW truck is February 17th and that Estelle Manor is foreclosed. He discussed SCUMA's flow control being approved by the State and that the rates will increase about \$60,000.00 for trash. He addressed that \$240,000.00 has to come out of the budget for SCUMA. The backup well specs will be released shortly.

Mayor Crowley reported that he attending the 100th anniversary for the Boy Scouts. It was a very nice ceremony. The Mayor congratulated Dr. Pat Phial of the Franklin School who was presented an award. The Governor's office contacted the Mayor that there's a 90 day moratorium on COAH.

Mayor Crowley discussed the problem with the vote on the Historical Society building lease. It may need to be re-voted on and he requested that the attorney advise the Council. The Mayor explained that he is a member of the Historical Society and asked the attorney to look into whether he should recuse himself on the issues.

Mayor Crowley mentioned that the Municipal Building will be opening up late because of the snow predicted. He is not crazy about closing town hall for snow because Shoprite, banks and the county offices never close. He asked the Council for their opinion and asked if the employees should take personal time if they can't make it in.

Mr. Limon stated that he has to go to work at 7:00 am. Mr. Stoll stated he was here for 15 years and we've closed a few times during a state of emergency and if it wasn't there was an option if the employees want to use their own personal time they will not be penalized. Mr. Snyder said if it is a state of emergency we close otherwise it stays open and if the employees make it in, they make it or if not, they can use their time. Mr. Stoll added that the road department clears the roads first and the municipal building parking lot and sidewalks will not be cleaned right away, we don't want the liability if someone falls and gets hurt. Mr. Snyder was concerned about different departments having different functions and how do you give that department the time off that everyone else got. Ms. Miller stated it was tax and water/sewer collections week. Mr. Zschack agreed with the Mayor's policy. Mr. Kulsar also agreed to stay open unless it was a state of emergency. It was decided the Municipal Building will be open unless a state of emergency is declared and the employees can use personal time if they cannot make it in.

Mayor Crowley reported he received a copy of the proposed projects from the Historical Society. The Council will receive copies.

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.

Joanne Tatka of 151 Maple Road questioned how the sign ordinance affects the garage sale days the Girls Scouts hold. The Mayor said that he believe signs are allowed for non profits. Mr. Wolak will check the sign ordinance and get back to her. She asked what kind of truck is being purchased. The Mayor replied a mason dump truck. She discussed the sewer rate increase of \$50.00 - \$100.00 per quarter. She said the paper states that the sewer rate will be going up 29% for Franklin. She stated if the increase was 30% it would be a \$36.00 increase. The \$100.00 increase would be about 80%. The Mayor explained that the Board of Public Works, Administration and Accountants will be meeting to show what needs to be done, and that meeting will be open to the public. He explained that SCUMA increased charges over \$200,000.00 for a town that has 5200 people, this is a huge increase, the Borough did complain but it fell on death ears at the County level. Mr. Wolak stated that there has not been an increase in borough sewer rates since 1987 and estimated it should be a \$46.00 per quarter increase. The rates were never adjusted through the years. Ms. Tatka asked about remaining sewer allocation. Mr. Wolak said there is none available. The Mayor said that what was sold off is gone. There is no excess.

Betty Allen of Jenkins Road mentioned to the Council that Wantage is receiving stimulus money for cleanup of the Rome Exxon site. She asked if we would apply for stimulus money for the cleanup of the old Farley Exxon site on Route 23. The Administrator said he did not know there was a contaminated site at Route 23 but he believed the County surveyed the site in Wantage and included it for stimulus money. She asked about the Kulsar property and was told that it was privately owned and is up to the owners to clean up the properties. She wanted to know if we would get stimulus money for a roadway on the Zinc Company property out to Route 23. Mr. Ursin informed Ms. Allen that stimulus money was available to projects that were shovel ready, very little stimulus money made it to Sussex County. Ms. Allen is hopeful that Governor Christie and DEP will help with the projects.

Michael Krupa of Main Street asked for a copy of the Historical Society information that the Mayor had received. He asked for a couple of copies be made and left at the desk. The Mayor said he does not know if it is available to the public or if it will be made part of the public record. Mr. Krupa said that at the regular meeting of January 12, 2010 he asked for the resignation of Mr. Zschack because of his physical threatening behavior towards him and you had said that you were proud to work with him. The Mayor said that this is not the place for this comment. Mr. Krupa believed that his comments are for the good and welfare of the Borough. Mr. Krupa began to address the public and the Mayor informed him that he must address the Mayor.

Peter DeAnda of Butler Street requested that he be given permission to coach. He explained he had gotten into trouble several years ago. Attorney Ursin requested copies of his court report and will advise all parties. The personnel committee will review.

Carl Platvoet of 53 Church Street expressed his concerns regarding Precision Propane. At 5:30 am they start the trucks and let them idle. He stated that the ordinance reads from 11:00pm to 7:00am there is no noise. DEP has law that the diesel trucks can only idle for three minutes. He asked that this goes on the record. Mr. Wolak did speak to the owner and told him that the ordinance will be enforced. The Mayor said if it is still a problem to notify the Council.

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.

OLD BUSINESS

Mr. Kulsar discussed that at the last meeting the Council voted on and passed the purchase of a patrol car. He would prefer a fully marked car without a light bar. This would be \$1500.00 less. Mr. Wolak asked if the old stealth car would be marked and the new car will be a stealth car. Mr. Kulsar said that the fleet will remain with the same amount of marked cars; the car with no markings will be marked. Mr. Snyder said visibility was the idea and feels the residents need to see the lights. Mr. Limon felt that they should save the \$1500.00. The new car is unmarked and the current unmarked car will be marked. Mr. Snyder asked about all tinted windows. The Chief of Police said it is for the protection of the officer and the passenger. Ms. Miller asked about miles on the older car. She was told there is 19500 mile on the old car. It will cost \$600.00 to get the car marked.

Purchase Unmarked Police Car

Mr. Kulsar made a motion to rescind the motion for purchasing a marked police car from the last meeting and to purchase an unmarked car without lights for \$1500.00 less. Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Stoll, Zschack

Nays: Snyder Absent: None Abstentions: None

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting held on January 26, 2010. Seconded by Mr. Limon.

Mr. Snyder had corrections to the Executive Session Minutes.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mortgage Discharge Block 21 Lot 19

Ms. Miller motioned to approve the Discharge of Mortgage for Kathy Glynn of Block 5 Lot 44 in the amount of \$9,925.00. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Authorizing Participation in the PARIS Grant Electronic Document Management System

Ms. Miller motioned to adopt a resolution authorizing the Borough of Franklin to participate in the PARIS Grant Electronic Document Management System implementation project to be sponsored by the County of Sussex. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Contract for Chief of Police

Mr. Zschack motioned to approve the 3.5% increase for the two year contract for the Chief of Police at a rate of \$124,233.00 for 2010 and \$128,581.00 for 2011. Seconded by Mr. Kulsar.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Kulsar discussed reduced hours of the Court while the Court Administrator is on vacation. He suggested having the part time court administrator to work two weeks full time to fill in while the court administrator is on vacation.

Mr. Wolak explained that the part time deputy would be working over the 30 hour threshold and would have to include benefits, even for a two week period.

Mr. Zschack would also like to see the Court remain open for normal hours.

Council agreed that Court should remain open for normal business hours if the deputy was allowed to work the hours without triggering benefits.

Mr. Snyder would like to have a weekly log kept for the mileage on the municipal car and would like to discuss town fire safety.

Mr. Ursin stated he just spoke with the labor attorney on the phone and believes the two weeks would be considered temporary and would not cause a benefit problem.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Stoll made a motion to adjourn into closed executive session at 8:07 pm to discuss litigation and personnel. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:25 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Zschack asked if anyone from the public could hand out flyers at the meetings. Mr. Ursin stated yes, it is freedom of an individual's right to speech. Commercial speech can be limited.

Mr. Stoll let the Council know that he will not be at the February 23rd and March 9th meetings.

Mr. Limon informed all that the governor's office is investigating Passaic Valley Sewer Authority and asked if they will be doing the same here regarding SCUMA. The Mayor believed that the governor is investigating all of these authorities. Attorney Ursin let the Council know that the investigation was a corruption probe.

There was a brief discussion regarding COAH and affordable housing. New Jersey has formed a COAH task force. Attorney Ursin said that affordable housing is not going away.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 8:30 pm, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.