

**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 9, 2010**

Mayor Crowley called the meeting to order at 7:05 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. 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 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 Andover opposing S-82 & A437 Time of Decision Rule.
2. Resolution from the Borough of Glassboro establishing Municipal Service Fees be paid by Students Attending Colleges and Universities.
3. Resolution from Lafayette Township supporting Senate Bill S-1 regarding Reforming Affordable Housing.
4. Resolution from the County of Sussex providing notice for proposed auction of real estate.
5. Resolution from Lafayette Township urging the elimination of the 4% cap on local tax levy.
6. Resolution from the Green Township opposing Assembly Bill A-4305 requiring apprenticeship programs and other standards for public works contractors.
7. Resolution from Green Township opposing Senate Bill S-3094 requiring apprenticeship programs and other standards for public works contractors.
8. Resolution from Green Township opposing legislation amending the Time Decision Rule.
9. Resolution from Green Township supporting Senate Bill S-1.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector's Report for January 2010.
2. Tax Collector's Report for February 2010.
3. Construction Report for February 2010.
4. Finance Report for October 2009.
5. Finance Report for November 2009.
6. Finance Report from December 2009.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 23, 2010 and March 9, 2010.

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

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Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported was not present at the Recreation meeting and requested Mr. Kulsar update the Council.

Mr. Kulsar reported that Franklin Nite events were updated. The Senior Spring Fling will be held April 17 from 12:00 to 2:00 at the firehouse. Recreation met with the designer regarding the storage and fields. Franklin Nite is June 5th.

Ms. Miller had no report.

Mr. Snyder reported on the possible snow date discussion from last meeting. He discussed that the Administrator had a plan in place for a two hour delay. He did close the borough hall two hours later. The employees that came in got credit for that day and those that did not come in will not be credited. The employees not present will be charged for a full day. He stated that in the employee manual each department has a calling program in place. The Administrator said it was in place. He explained that there was some discrepancy. He stated that the police secretary was not called. He stressed that everyone should know. The Clerk stated that she did not call the police secretary because the police secretary starts at 10:00 am and would not affect her. When the Clerk spoke to the secretary she explained that she does not keep set hours and starts earlier.

Mr. Snyder also spoke about the coach incident. He said that it has nothing to do with the Franklin Borough Recreation Program. Mr. Wolak said that the correspondence from the Police Chief said that as per the ordinance that if they do not fit in the criteria they will be disqualified. Mr. Wolak said that the individual was going to coach at the school. Mr. Wolak asked the borough attorney if the gentleman was going to serve as coach under the school activities, does the Council make the decision to disqualify.

Mr. Gunderman stated that this is not a Franklin organized sport, it is Walkkill Valley. Mr. Ursin, Borough Attorney said that what matters is if they are using the municipal facilities. The Attorney said that if the school issues the permit or petitions the activity the school is responsible for the activity. Mr. Wolak will then refer the gentleman to go to the school board. The attorney said that if the recreation board has jurisdiction then the municipality would have jurisdiction to make sure all rules and regulations with respect to background checks are followed. He added that if the league violates the ordinance you can revoke their permit. If they want to use the municipal facilities they must meet your requirements for background checks. The Borough Attorney will look into the ordinances for both towns regarding use of the Little Community Center.

Mr. Snyder discussed the possibility of Mr. Gunderman retiring in a few years. They have to have someone in that position certified either an employee or outside person. He asked for executive session regarding personnel.

Mr. Zschack reported that there was a budget meeting and the Finance Committee met with the Fire Department and First Aid Squad. The Planning Board meeting was cancelled.

Mr. Ursin, Borough Attorney discussed that the state expanded the conflict for members of the fire department, on any issue a council member cannot vote on the issue. He discussed that he is pursuing the bond for Miners Cove. He discussed the issue regarding the Hungarian Church. The Ethics Board stated that the vote is void due to conflict so the vote needs to be confirmed or other actions should be taken. The Attorney was directed to draft a new ordinance for the Hungarian Church lease.

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Mr. Wolak's gave his report which is on file in the Clerk's office. He asked for executive session for personnel. He discussed the budget and hearings for input. He discussed the County Manager meeting he attended where they discussed the dispatch for 911. He will invite representatives of the 911 study to the next meeting. He discussed the use of the borough vehicle; the municipality paid approximately \$1829.00 for mileage. \$700.00 was for mandatory training for the court. He said that the mechanic looked at the vehicle and determined that it was unsafe because of the steering box and the floor board rotted out. The mechanic will do a cost analysis. There will be a log used in the future. Mr. Wolak discussed the cost of DPW overtime and salt because of storms. The gas usage has dropped, saving approximately \$31,000.00. He discussed the computer contract. He discussed SCUMA and flow control which will cause an increase in tipping fees. The cost will be reverted to the borough and will be reflected in the next solid waste collection contract.

Mayor Crowley reported that he was at the first aid squad to see the renovations. He said it looks good. He has an invitation to march in the St. Patrick's Day Parade. He discussed the two major storms and that everyone did a good job. He commented on two articles from the Star Ledger about property taxes. He said Franklin taxes went up but was one of the smallest increases as per the article at 1.28%. He mentioned the article in the Advertiser about the Police Chief's raise salary. He felt that the article gave a poor indication of what actually happened. He said that the Chief did not have to come to the table, he volunteered to. He gave up some days off, education and added a limit on the contract. He could have done nothing and gotten the same raise. The Mayor briefly discussed SCUMA's financial problems.

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.

Joanne Tatka of 151 Maple discussed that she read about the County Insurance. She asked about the hospitalization plan and if the Mayor heard back from Freeholder Phil Crabb. She discussed the minutes where the employee was getting holiday pay while on worker compensation. The administrator said it was a contractual obligation. She questioned the crossing guard hired at \$13.15 per hour. She felt that the starting pay should be lower. New employees should come in at a base pay. The Mayor explained it is to eliminate step increases. She asked if the sewer increases have been set.

Steve Zydon of 346 Rutherford Avenue discussed the garbage hauling. He explained how costly it would be for the Borough to supply the service.

There being no one else 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

Mr. Zschack motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on February 9, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

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Mr. Zschack motioned to approve the meeting minutes of the Executive Session held on January 26, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Police Mutual Aid Memorandum of Understanding

Mr. Zschack motioned to approve the Police Mutual Aid Memorandum of Understanding between the Borough of Hamburg, Township of Hardyston, Borough of Franklin, Township of Vernon and Borough of Ogdensburg. Seconded by Mr. Limon.

There was a brief discussion regarding the description of mutual aid.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Approval of Nelson Consulting Planning Services Proposal and Proposal from Harold Pellow & Associates for Preparing Maps for Plan Endorsement

Mr. Zschack motioned to approve the proposal for planning services dated February 9, 2010, for Plan Endorsement from Nelson Consulting at the rate of \$110.00 per hour, not to exceed \$3,000.00 and to approve the proposal from Harold Pellow & Associates in the amount of \$1700.00 for preparing maps for Plan Endorsement. Seconded by Mr. Limon.

The Mayor recommended that this be approved for plan endorsement with the state and master plan. Mr. Wolak stated that the funds are in the budget for these items. He added that these need to be in place for funding from the state. Mr. Kilduff explained the history and process. Mr. Wolak explained that since they entered into the agreement the Borough has secured \$713,000.00 in grants.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Waiver of Use Fees for Boy Scouts

Mr. Zschack motioned to approve the request to waive the fees associated with the use of the Franklin Pond Recreation Complex and Senior Center from May 14th thru May 16th for the Boy Scouts and Girl Scouts Joint Camp Out and Dance. Seconded by Mr. Limon.

The Mayor added that they also will clean up the area. They will be allowed to use the outside bathrooms and concession stand but the Senior Center will not remain open for Friday thru Sunday. Mr. Gunderman explained that there have been incidents in the past with use of the Senior Building.

Mr. Zschack amended his motion for use of the Recreation Complex only. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

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Approval Municipal Software Computer Maintenance Agreement

Mr. Snyder motioned to approve the Computer Maintenance Agreement from Municipal Software Inc. in the amount of \$16,188.00 for the year 2010. Seconded by Mr. Kulsar.

Mr. Wolak explained that there is no increase over the last two years.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Award of Bid for GMC Truck

Mr. Snyder motioned to adopt a resolution awarding the bid for a 2009 GMC TC5500 Diesel 4WD Truck with Regular Cab/Chassis to Beyer Bros. Corporation at the cost of \$47,276.00. Seconded by Mr. Kulsar.

Mr. Zschack expressed his concern about the spending of \$47,276.00 for just a cab and chassis. Mr. Wolak explained that the old truck needs to be replaced, there is no guarantee that it will last. Mr. Gunderman explained that approximately \$35,000.00 will be needed to be added for additional equipment such as hydraulic system, sander, and steel body for the new truck, these are offered under state contact.

Upon roll call vote:

Ayes: Kulsar, Miller, Snyder, Zschack

Nays: Limon Absent: Stoll Abstentions: None

Approval of Computer Service Contract for Police Department

Mr. Snyder motioned to approve the Computer Service Contract from Sparta Township in the amount of \$2,600.00 for the Franklin Police Department. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Approval of Mattesich Settlement Agreement

Mr. Snyder motioned to approve the settlement agreement for Nevin Mattesich in the amount of \$26,000.00 for pension contribution, \$20,000.00 of which Franklin Borough will pay. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: Kulsar

Appointment of Planning Board Alternate Member

Mr. Snyder motioned to confirm the Mayor's appointment of Steve Zydon as Alternate Member #2 on the Planning Board effective immediately, the two year term expires December 31, 2011. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Appointment of Economic Development Committee Members

Mr. Snyder motioned to confirm the Mayors appointment of the following members of the Economic Development Committee; all terms are one year and expire December 31, 2010. Renee Smith, Suzanne Weeks, John Postas, Steve Oroho, Steve Zydor and Judy Williams. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

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 8:44 pm to discuss personnel and attorney client privilege matters. Motion seconded by Ms. Miller.

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 9:03 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Kulsar asked about the Fire Inspector. He was told there will be a meeting with Bill Walsh Friday morning. They will explore both options; private or Interlocal.

Mr. Limon informed the Council that the 2011 Sussex County Fireman's Association parade will be held in Franklin on the first Saturday in October.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:05pm, seconded by Ms. Miller
All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.