

**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
APRIL 13, 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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Stillwater Township Resolution Supporting Senate Bill S-1. Providing reasonable opportunity for affordable housing in the state is irreversibly broken.
2. Stillwater Township Resolution Opposing Senate Bill S-458. Removing the municipality's responsibility for assessing real property within the corporate bounds.
3. Stillwater Township Resolution Opposing Legislation Amending the Time of Decision Rule.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collectors Report for March 2010.
2. Construction Department Report for March 2010.
3. Police Department Report for February 2010.
4. Police Department Report for March 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Use of Senior Center for Daisy Troop #94149 every 1st and 3rd Friday of the month from 6:30 pm to 8:00 pm.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 13, 2010.

Mr. Limon made a motion to approve the consent agenda of April 13, 2010. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported that the Senior Spring Fling will start at 11:00 am and is being held at the firehouse.

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Mr. Snyder reported the Personnel Committee discussed sick time for a part time employee who carried over time. That employee stated they did not receive an employee handbook. The Council agreed to allow that employee to use 21 days.

Attorney Ursin reported that the bond engineer met the engineer, they are writing the reports on expatiation for roads and sewer. He also discussed a Police Officer out on sick leave for domestic violence. The attorney received a lawsuit regarding a records request; the requester does not believe that they received all the records they asked for. The bill for the railroad lease charge looks to be appropriate. The \$200.00 a year is adjusted by the CPI. The recommendation is that the bill should be paid. He asked for an executive session to discuss the Highlands litigation.

Mr. Wolak gave his Administrator's report is on file in the Clerk's office. He asked for executive session for personnel. He held a discussion on the county's PSAP (911) service. There will be a non committal resolution to look into it. Mr. Wolak discussed the Monster Garage Sale that the newspaper New Jersey Herald is holding at the Littel Center on the same day the Girl Scout Garage Sale Days which is the 24th and their request to waive the fees.

Waive Fees for NJ Herald Monster Garage Sale

Mr. Snyder made a motion to waive the garage sale permit fees for the New Jersey Herald Monster Garage Sale being held at the Little Center. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Kulsar, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: Limon

Mayor Crowley reported that the Girl Scout Garage Sale Day is the 24th. June 5th is Franklin Nite. May 1st is the EDC Clean -Up Day and they are looking for volunteers.

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. Stoll. All were in favor.

Joanna Tatka informed the Council that last year the New Jersey Herald held the Monster Garage Sale the week before the Girls Scouts. She asked if the PT Cruiser was going to be use as a municipal car. She questioned the settlement for Officer Mattessich of \$20,000.00 when the Council originally stated there was no financial settlement. She asked about the recycling coordinators duties. She questioned what the cuts in the budget were and that Council should start at the top to set an example. She stated that the Borough should give up the bulk waste because of the costs. The Mayor said that people should let the Borough know if they see that someone is abusing the bulk waste pick up.

Mr. Krupa of 134 Main Street expressed his concerns regarding landlords not registering. There was a brief discussion on inspection of apartments. Mr. Wolak said that they are working on enforcement and it should be operational by the fall. He was concerned about unlicensed dogs. The Clerk responded that dogs should be licensed 10 days after they move into the Borough. He requested that the police patrol Main Street from about 3:00pm on because of his concern that four wheelers are in the street.

Rich Napa of Newton Street complained about the flooding on Newton Street and that nothing has been done about the flooding. He had \$2000.00 in damage. He was told that the Army Corp of Engineers would not take on the project because it did not fit their criteria. That was because there are only four homes. The DEP said it would consider change in the area of wetlands. Mr. Napa asked about removing trees from the area. Mr. Wolak said the trees are in the wetlands and he will look into it. Mr. Napa explained that Newton Street has many pot holes.

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Alfonzo Caliandro of Main Street expressed his concerns about the trash on Main Street. He asked why violations are not given out to people who put trash out on Wednesday when pick up is Tuesday. The Mayor said that the Zoning Officer will look into it and that the Borough should be notified when this happens.

Mr. Krupa of 134 Main Street stated that the Mayor scatters the questions and never comes to a conclusion on what should be done. He asked why Mike Gunderman doesn't report on the garbage instead of a resident. He should take reports as he drives around.

There being no one else 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.

OLD BUSINESS

There was no old business for tonight's meeting.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on March 23, 2009. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: Stoll

Adoption Ordinance #3-2010 Water & Sewer Fees

Ms. Miller motioned to adopt an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING CHAPTERS 213 AND 270 AND AMENDING CHAPTER 119 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING WATER FEES AND SEWER CHARGES". Seconded by Mr. Limon.

Mr. Wolak mentioned that the fees have not been adjusted in approximately 26 years. He briefly discussed the meeting with the BPW and that they did not agree on the fee increases, however they recommended that the Mayor and Council do what is best for the residents.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #3-2010. No one from the public commented.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Authorizing Issuance of \$625,000 Bond Anticipation Notes

Ms. Miller motioned to adopt a resolution authorizing the issuance of not exceeding \$625,000 Bond Anticipation Notes of the Borough of Franklin, in the County of Sussex. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Awarding Bid for Test Well Installation

Ms. Miller motioned to adopt a resolution awarding bid for Test Well Installation to William Stothoff Co. Inc. in the amount of \$57,165.00. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Accepting Replacement Bond for Horizon Personal Communications, Inc. Lease

Ms. Miller motioned to adopt a resolution accepting the replacement bond for Horizon Personal Communications, Inc. lease and releasing the original bond in the amount of \$111,600. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

2009 Tonnage Grant Application Resolution

Mr. Zschack motioned to adopt a resolution authorizing the submission of an application for the 2009 Recycling Tonnage Grant to the New Jersey Department of Environmental Protection and designates the Franklin Borough Public Works Manager to ensure that the application is properly filed. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Contract Approval for Police Department Copier Lease

Mr. Zschack motioned to approve the contract for a copier lease from De Lage Landen Financial Services in the amount of \$275.00 a month for 36 months for the Police Department. Seconded by Ms. Miller.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Change in Contract Approval for Schindler Elevator

Mr. Zschack motioned to approve the change in contract from Schindler Elevator of \$315.22 per billing period for the preventative maintenance agreement. (Original contract was \$312.95.) Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resignation of Emergency Management Coordinator

Mr. Snyder motioned to accept the resignation of Dennis Harrington as Emergency Management Coordinator, effective March 15, 2010, with regrets. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Appointment of Emergency Management Coordinator

Mr. Snyder motioned to confirm the Mayor's appointment of Jim Williams as Emergency Management Coordinator filling the 3 year unexpired term ending 12-31-12, at the rate of \$2000.00 per year. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Step Increases for Water Department Personnel

Mr. Snyder motioned to approve the following Water Department Personnel step increases:

Frank Solito from Step 4 to Step 5, to the rate of \$19.35 per hour.

Peter Swanson from Step 8 to Step 9, to the rate of \$23.72 per hour.

Seconded by Mr. Kulsar.

Mr. Limon discussed the economy. Mr. Zschack agreed they deserve the step increase but cannot do this since there are large cuts coming. Mr. Kulsar explained the employees do their jobs.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll and Mayor Crowley Nays: Limon, Miller, and Zschack.

Absent: None Abstentions: None

Discussion Deputy Court Administrator Increase in Hours

The Council had a discussion on the need for an increase to the hourly schedule of the Deputy Court Administrator. Mr. Wolak said this was because of the work load. It would be a nine hour increase of \$237.00 per pay, excluding social security and so on. Mr. Wolak explained his call from the Judge regarding the increase in workload. The court is processing more. Mr. Zschack asked if there would be an increase in revenue. Mr. Wolak could not guarantee revenue. The Judge said they did 30 DUI's and now process over 90 DUI's. Mr. Wolak explained that if they increase to 29 hours the person will not get benefits. This is only a rate increase. The Council decided to discuss this in the workshop.

Mayor Crowley asked Jason Doyle the SWAC representative to report on the SWAC Meeting. He said that the tonnage report showed only a 6% decrease. There will be a seminar tomorrow to inform all about the new changes of waste flow and recycling. The Hazardous Waste Day is June 5th. Mr. Wolak asked about the increases. The information will be discussed at the meeting 9am-11am at the Fire Training Academy. There was a brief discussion on the increase in tipping fees when we have no input into the operations. They can make an impact on taxes by starting on SCUMA.

Mr. Snyder discussed his conversation with Mr. Kilduff about getting the Forestry Building property back on the tax rolls. Mayor Crowley explained that the County said that the property which is Green Acres had to be left in the public domain. Mr. Ursin said the State Legislature would have to sell it. Mayor Crowley said that it had to be purchased as fair value. Mayor Crowley said it is the same with the Armory. The Mayor would like to see both of these properties go on the tax rolls.

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 8:43 pm to discuss personnel and items of legal matters. Motion seconded by Mr. Snyder.

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 9:11 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Snyder spoke about time off of employees. He asked for a sick time balance listings for the Police Department. A monthly time sheet of time off should also be included.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 9:15 pm, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.