

**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
MAY 11, 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, and Mayor Crowley.

Absent: Mr. Zschack

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, N.J.S.A. 10:4-6 et seq. 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. None Filed

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for April 2010.
2. Tax Department Report for April 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 11, 2010.

Mr. Limon made a motion to approve the consent agenda of May 11, 2010. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported they went out for bids for sweeping roads, Prisim was the lowest at \$5150.00, North Jersey Paving was \$6200.00 and Hardyston was \$7000.00. The DPW is using state workers to mow and do other jobs at no cost.

Mr. Limon reported that Recreation is working on Franklin Nite which is June 5th at the pond. Only three weeks left to set up everything. The contract for the fireworks is the same as last year, with the same show.

Mr. Snyder discussed that he would like to further discuss the Fire Prevention Officer since the County sent a proposal.

Mr. Wolak's report is on file in the Clerk's office. There will be a work session next week for the budget. The public is welcome. The Chief of Police is on Vacation until May 21st. There is a preconstruction meeting for the backup well in the morning. The

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construction is starting in about two weeks. It should be operational in the fall. This is mandated by the state.

Mayor Crowley reported that the Economic Development Committee had the cleanup day on the 1st. There were about 40 volunteers. They collected about 40 bags of trash. Afterwards they enjoyed hot dogs and soda. The Boy Scouts and Girl Scouts were there to help.

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.

Jean Zabisrski of Pro Cutters expressed her concerns about the violation she received regarding the sign she used. She explained the state setback is 15 feet. She is disappointed that she cannot use her sign. She asked the Council to reconsider or help during the economic times.

Mr. O'Brian of the Irish Cottage Inn requested to meet with the Mayor and Council about the sewers and signs. He asked for help during these times. He said Mr. Kilduff told him he can get a variance.

Joanne Tatka of 151 Maple Road asked if the patrolman is still out on sick leave. The Mayor said yes. She asked if the garbage proposal was decided. The Mayor said it is on the agenda. She asked about the Assessors hours. Mr. Wolak said that you cannot set specific hours for the Assessor. This has been challenged in the courts. You cannot mandate the hours. She said that there were two full time positions that went to part time. Where were they? Mr. Wolak said the police clerk and the construction secretary and they did not fill a department supervisor position. She asked about the North Jersey Benefits, has the municipality looked in to it? Mr. Wolak said yes. The research showed that the State Benefits are the better deal. She said that Newton is purchasing a sewer camera. Mr. Wolak said it would cost about \$80 to \$90 thousand dollars to do the entire municipality. She was surprised that SCUMA does not have a camera. Mr. Wolak said that Hamburg allowed us to use their camera. We would need to use a GPS camera.

Mr. Krupa of 134 Main Street said that on April 27th he had a discussion with the Chief of Police where he asked him if the Borough paid for his entire cost of his education. The Chief said no. Mr. Krupa said that on page five of his past contract said that the Borough pays for all approved courses. He asked the Mayor and Council for the total paid for education for the Chief of Police. Mr. Wolak said that the Borough paid for the entire cost. He was only reimbursed for credits since he became chief. He's current contract runs until 12/2011. Mr. Wolak will get the totals for Mr. Krupa. Mr. Krupa questioned the mileage attained before vehicles are taken off the road. Mr. Wolak explained that under PEOSHA standards a vehicle with 100,000 miles they recommend that it is removed it from first line of response. Mr. Krupa said that the chief said that the vehicles are used to about 120,000 miles. The Mayor said that those vehicles are used when a first responder vehicle is being repaired. Mr. Krupa asked the Chief if he could reduce the 1.4 million dollar budget for the police department. The Chief said no. The Mayor said that Franklin has the highest crime in the area. Mr. Krupa said he wants local control but 1.4 million dollars is a lot of money. There has to be a way to bring down the 1.4 million dollars. Mr. Krupa asked if the schedule the police are on now is the best bang for the buck. Mr. Wolak said that the schedule cannot be changed without negotiations. Mr. Wolak said that 1.3 million of the budget is only man power. Mr. Krupa discussed that the municipal employees were given a 1.5% increase by the Mayor and Council, and the Police Department was given a 3.5 % increase. The tax payers feel that this is highly unfair to put the responsibility of the budget on the backs of those that are making the least amount of money. The Mayor said that, that is the going salary for the police. The police are lower than most of the police departments in the area. Mr. Wolak said that the police have a unique situation, they can go to binding arbitration. The contracts will be reviewed in the future. Mr. Krupa said that this would have been a good time to show the arbitrator that the municipal employees took a 1.5 % increase. Mr. Wolak

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gave credit to the employees for taking the 1.5% increase, they understand the tough economic times.

Mr. Snyder said that the employees that have union contracts do make out well. It was not agreed upon by all six of us that sit here. It is hard to negotiate. Mr. Krupa asked why can't you give the Chief a budget package and that is it. The Mayor said that they would consider it.

Karen Folkerts of Main Street discussed the sidewalk by her home. The sidewalk is too high and dangerous. She asked what the Council is planning for shared services. Mr. Wolak said that Franklin and Hardyston does more shared services than most in the county. We do tax collection, finance, building department and we are looking into the fire official position. They tried to do the Police Department with Ogdensburg. We once had a shared court services with Hamburg and Hardyston. It must be beneficial to both municipalities. She asked how the Police budget compares to surrounding Township's. The Mayor said they look at it all the time. Attorney Ursin said that the study shows it is average. She asked what can the Council take advantage of regarding the Governor's changes. Mr. Wolak said that the Governor is telling us what to do, not what our options are. He is looking to balance the state budget by pushing the responsibilities on the municipalities. The Mayor said that many things the Governor proposed have not been passed.

Alfonso Caliendo of 81 Main Street asked about the renovation of Main Street he stated he has seen nothing done at all. He wants to build an apartment downstairs since he does not generate any business. Mr. Kilduff told him he would have to get a lawyer. He cannot afford a lawyer. The Mayor told him he needs to get a variance. Mr. Caliendo said that there is nothing being done to bring business on Main Street. Most of the stores are vacant. There needs to be change, he spent money to restore his building. He questioned the Master Plan. Mr. Caliendo just wants to make a living.

Mr. Krupa of 123 Main Street stepped up to the microphone. The Mayor informed Mr. Krupa that his onetime to speak was up. Mr. Krupa said that he did not see one time mentioned on the agenda. The Mayor said that his five minutes were up. The Mayor allowed Mr. Krupa to ask his question this one time. Mr. Krupa asked if the Mayor knew the time line when the historical site would be completed. The Mayor answered no.

A resident said that they should deal with the section eight housing, drugs and absentee landlords on Main Street.

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. Snyder asked about the Forestry Department building property maintenance. Mr. Wolak said that Mike Gunderman reached out to them.

Ms. Miller said that the Hungarian Church, Phil Crabb's and John Sowden's property needs to be maintained too.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder motioned to approve the meeting minutes of the Regular Meeting held on April 27, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: Miller

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Adoption Ordinance #4-2010 Amending Recreation Area Rules and Regulations and Criminal Background Checks

Mr. Snyder motioned to adopt an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING CHAPTER 196, ATTACHMENT 1 ENTITLED "RECREATION AREA RULES AND REGULATIONS" AND CHAPTER 106 ENTITLED "CRIMINAL BACKGROUND CHECKS" OF THE CODE OF THE BOROUGH OF FRANKLIN". Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #4-2010.

The Borough Attorney said that the ordinance requires back ground checks for borough sponsored programs. He also said that any team or league that applies for use of the boroughs facilities, they will provide affidavits that there were background checks.

Rachael Heath of 7 Hemlock Drive asked if Hardyston has an ordinance like this and was informed that Hardyston Township does have a similar ordinance.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Introduction Ordinance #5-2010 Modifying the Solid Waste Code

Mr. Snyder motioned to introduce an ordinance entitled, "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO MODIFY THE CODE OF THE BOROUGH OF FRANKLIN REGARDING SOLID WASTE". Seconded by Mr. Limon.

The final rate will be \$71.00 per quarter per residential unit. This is less then Waste Management which charges \$90.00 per quarter. Mr. Wolak will prepare a letter to go out with the estimated tax bills.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

The final hearing will be May 25, 2010.

Approval of Interlocal Agreement for Fire Official

Ms. Miller motioned to table the inter-local agreement with Hardyston Township to provide Fire Prevention Services at a cost of \$16,000.00 per year. Seconded by Mr. Kulsar. All were in favor.

The Council discussed that the County has sent a proposal to Franklin regarding the use of their Fire Officer. There was a discussion on the services each would provide. Hardyston would cost \$16,000.00 for both life and non life hazard inspections. The County of Sussex proposed 90% of fees collected to the County and 10% to the Borough. Mr. Snyder expressed his concerns regarding both contracts. There was a discussion that the County would be more aggressive because they could make more money. Mr. Wolak did not feel comfortable with the County contract. The Mayor explained either they vote, table and hope the state does not come back to us. The Council will continue to discuss the services with Hardyston and the County. The Mayor said to keep in mind that the state is trying to keep their jobs.

Approval of Prism Maintenance, Inc. Proposal

Mr. Stoll motioned to the accept the proposal submitted by Prism Maintenance, Inc. for power sweeping of approximately 50 miles of roadway at a cost of \$5,150.00.

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Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Kulsar asked about the residency list of the Wallkill Valley students. Mr. Wolak will get the information for Mr. Kulsar. He also asked about transitional aid. Mr. Wolak said that 1/3 of funding is cut. The problem is that if you take the money you will be controlled by the state. It will limit your own ability to maintain control over your municipality, hire, firing, professional and more. He said that if you wish to do this you cannot adopt a budget until we get the aid figures. We doubt's that the state will have a budget by July and there are rumors the state will be shutting down. Mr. Kulsar said the rules have not been determined. Mr. Wolak is just relaying the information by Mark Pfeiffer, Acting Director of Local Finance Board.

Mr. Stoll informed the Council that we lost our Senior Citizen of the Year, Harold McGrath.

Mr. Snyder asked about the viaduct project. Mr. Wolak replied it should start in the fall of 2010 and spring of 2011. The Clerk said that letters were recently sent informing residents that the county will be surveying on their property but that the Borough did not receive any formal notification as to the project starting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 8:58 pm, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.