

**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
JUNE 22, 2010**

Council President Jack Stoll 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, Mr. Snyder, and Mr. Stoll.

Absent: Ms. Miller, Mr. Zschack.

Mayor Crowley arrived at 7:35 pm.

Council President Jack Stoll led the assembly in the flag salute.

Council President Jack Stoll 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

Council President Jack Stoll requested that all persons 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 June 22, 2010. Seconded by Mr. Kulsar.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Township of Hampton Resolution Urging Legislature to enact Legislation Reforms to the Police and Fire Fighters Binding Arbitration Process.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Report for May 2010.
2. Construction Department Report for May 2010.
3. Tax Collectors Report for May 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Franklin Boy Scout Troop 90 Application for use of Senior Citizens Center Mondays 7:00 to 8:30 pm. September 2010 – July 2011. The second Sunday of each month at 6:30 pm – 8:00 pm for Committee meetings.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 08, 2010.
2. Payment of bills for the meeting of June 22, 2010.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll, Nays: None Absent: Miller, Zschack

Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported that Franklin Nite was a success. The Fireworks went off 40 minutes early because of the weather.

Mr. Snyder asked for executive session.

Mr. Stoll reported the property on Route 23 across from Hooters an estimate of \$25,000 - \$33,000 to demolish both buildings. A lien would be put on the property. To clean and board up the porch and property the cost would be \$8000.00.

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Mr. Wolak's report is on file in the Clerk's office. He asked for executive session for personnel. He discussed that SCUMA's tipping fees were going up, however because of the contract with Waste Management the increase will not be passed on to the borough temporarily. The contract expires in May of next year. The back up well is not producing the water that we thought it would. They will have to drill deeper.

OPEN PUBLIC SESSION

Mr. Stoll asked everyone who wants to speak to abide by the five minutes to speak.

Mr. Limon made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Snyder. All were in favor.

Anita Taylor asked why people do not recycle and why Waste Management does not fine them. Mr. Wolak said that Waste Management does not fine; the homeowner has to abide the recycling laws. We will have a recycling coordinator that will be trained and encourage citizens to recycle. Franklin's recycling rate is at 30% and the state is at 18%. The Deputy Clerk has been working on business haulers recycling and has increased the recycling grant to \$10,000.00. Ms. Taylor complained that she put out grass and leaves on a Monday and Waste Management did not come until Saturday. Mr. Wolak said that the Borough does remind them about brush pick up.

Nick Giordano of 42 Mabie Street asked if the town has applied for the SAGE grant for the abandoned house on Route 23, we are on the list because of the MDI index. Mr. Wolak said that they have looked at grants and have not been successful. He believes that SAGE is for rehabilitation of community and development, but not individual property.

John Yanish of 21 Mitchell is 90 and makes \$900.00 a month on social security, plus he is an accountant but what happens when he can no longer work. He said it is not the state that increases the taxes it is the local politicians. He asked what the Administrator is doing to help the middle class and seniors. He said years ago there were five police; he wants to lower the salaries. The Police budget is over a million dollars.

Jim Marino 4 Hilltop Lane asked why 10 employees are getting longevity. Why is there an increase on the agenda for a police officer and why did they not negotiate. Mr. Stoll explained longevity and the contractual increase for the officer.

Victoria Pennella of 35 Woodland asked how come the businesses are not paying more for police. Recycling Officer in other towns checks the bags and fine. The garbage ordinance has good and bad things in it. She felt that apartment buildings with 4 units were businesses and should pay for their own garbage. She explained that the whole idea is to be more efficient.

Mr. Stoll explained that with the taxes collected the town only gets 35% and all the rest goes to the county and schools. He said we're considering less cans and bulk from what is in the contract now. He explained that years ago they had to get a sticker for bulk items. The state mandates that multi families must be serviced.

Joann Taka of 151 Maple said that absent landlords are the real problem on Main Street. She asked if they will have to separate recyclables. The Mayor said no, and there are no tipping fees on recycling. She asked if the revaluation went out to bid. The Attorney stated that the Assessor requested bids. She asked if the BPW liked the increase and did they want it to go higher. She was told No. The Mayor said that the BPW passed it back to the Council.

Joe Beach of 1 Hilltop Lane asked why Newark does not have a revaluation. The Attorney said that it is a complicated answer and he does not know how they get away with it.

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Mike Kruppa of 134 Main Street said that the Mayor and Council did not read the signs. They should have looked at the economy. There is no fiscal responsibility.

Rachel Heath of 7 Hemlock questioned would it be better to have staggered furlough days to keep the offices open. She said that there are 30-35 seniors that will not get lunch. Are groups going to be allowed to use the center on furlough days? The Mayor said that groups have a key. Does the Road Department get overtime if called out? The Mayor was unsure and will look into it. Mr. Wolak said that they would get overtime. She asked how furlough days affect shared services and payment. The Mayor said that the shared services will be adjusted. Mr. Wolak said that the state mandates that the entire office has to close.

Phyllis Marino of 4 Hilltop Lane stated that in Bergen County they give box lunches to the Seniors when they are closed. Maybe the Council can look into it.

Roger Ziegler of Hemlock asked if the pond is still tested and can swimming come back. He asked if there are possibilities for a municipal pool. The Mayor said that the pond is tested, the bacteria level is too high and the cost is prohibited for a pool. He asked where the kids can go swimming then suggested busing the kids to a nearby lake.

Susan Gardell of 2 LaRue asked about the tax waiver. Mr. Wolak said that the request is \$560,215.00 last year the tax levy was \$152,000. She asked about the step increase for an officer. Mr. Wolak said it was contractual. The Mayor added that they are automatic if recommended by the Police Chief.

A resident said the state has nothing to do here, He would lower taxes if he was Mayor and he would give the Administrator, who has a lot to say, a pink slip. He wants to hear from the Mayor since he was elected to do a job.

Mr. Marino said that there are many police officers on the council, is there a conflict of interest. He asked how Mr. Snyder voted on the other patrolman raises. He said that the schoolhouse is an eye sore and not to renew the lease. He said that the property should have been sold. He recommended that the Mayor and Council should reduce the police force by two officers to reduce the taxes and that businesses should be solicited to pay towards fire trucks.

April Good of Scott Road asked what is the tax rate based on submission and when the Police Contract will be negotiated. Mr. Wolak explained 2.56 w/cuts 2.43. The police renegotiate in 2011. She added that extraordinary aid should not be counted in the budget. She questioned why the Council is repealing the loitering ordinance; Mr. Ursin explained that the ordinance has been found to be unconstitutional.

Mike Stauder asked why it is mandatory to have garbage. He said many towns do not pick up the trash. He heard that 37% is delinquent in taxes. The Mayor said that the tax collection rate is 90%.

Kevin Lermond of 34 Taylor did not understand the 4% cap and tax situation. Mr. Wolak said that they cannot increase 4% over taxes. The Mayor said that there are many loop-holes; the municipal is only 4%. Mr. Wolak said that last year was 1% over the 4%, this year it is 2%.

Anthony Marino said that corporate would cut bottom line to protect shareholders.

Judy Stanpone of Woodland Ave mentioned the budget items increased such as code enforcement 61%, First Aid 40%, Tax Collector raise 2%. She said there is a reserve for uncollected taxes. The Mayor said that they tried to cut back.

Anita Taylor asked why we got new police cars. The Mayor said they rotate the cars out. She said we are the highest paid police department in the county. The Mayor said that the general contract highest paid is in Sparta.

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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. Kulsar. All were in favor.

Mayor Crowley called a 10 minute recess.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Limon motioned to approve the meeting minutes of the Regular Meeting Session held on June 1, 2010. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Mr. Stoll motion to approve the meeting minutes of the Emergency Meeting Session held on June 4, 2010. Seconded by Mr. Kulsar.

Ayes: Kulsar, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: Limon

Table Adoption Ordinance #5-2010 Modifying the Solid Waste Code

Mr. Limon motioned to carry the adoption of 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" to the July 13, 2010 meeting. Seconded by Mr. Snyder. All were in favor.

Introduction Ordinance #6-2010 Authorizing Re-Executing Historical Society Ground Lease

Mr. Limon motioned to introduce an ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF FRANKLIN AUTHORIZING RE-EXECUTION OF A GROUND LEASE WITH THE FRANKLIN HISTORICAL SOCIETY". There was a brief discussion. The attorney explained that the lease has till September 1 to get a CO. He explained that a past Council Member was in conflict of the original ordinance. The attorney will provide other options at the meet meeting. The Administrator recommended that the Council not approve new lease, but only an extension at that point they would have to act or release control of the property back to the Borough. The attorney will forward other options to the Borough at the next regular meeting. The motion was not seconded. Motion did not pass.

Emergency Meeting Resolution

Mr. Snyder motioned to adopt a resolution ratifying the action of the Governing Body taken at the June 4, 2010 Emergency Meeting. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: Limon

Resolution Authorizing 2010-2011 Liquor License Renewals

Mr. Snyder motioned to adopt a resolution authorizing the Borough Clerk to renew liquor licenses for the 2010-2011 licensing term not including the Franklin Fire Department. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Approval of Annual Soap Box Derby

Mr. Snyder motioned to approve the request from Cub Pack 90 to hold the Annual Soap Box Derby on Sunday, July 18, 2010, noon to 3:00 PM on Main Street.

Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Approval of Test Well Installation Bid Change Order

Mr. Snyder motioned to approve a change order for the Test Well Installation Bid in an amount not to exceed \$26,500.00 inclusive of both drilling and additional engineering fees. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Tax Levi Cap Waiver Resolution

Mr. Snyder motioned to adopt a resolution approving the application to the Local Finance Board requesting a Tax Levy CAP waiver. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Snyder, Stoll

Nays: Kulsar Absent: Miller, Zschack Abstentions: None

Approval of Patrolman Cugliari Salary Increase

Mr. Snyder motioned to approve the Step 3 increase for Patrolman Cugliari to \$60,231.00, effective July 15, 2010, as per the Chief of Police recommendations.

Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Kulsar, Limon, Stoll

Nays: None Absent: Miller, Zschack Abstentions: Snyder

Resolution Authorizing Estimated Tax Bills

Mr. Snyder motioned to adopt a resolution authorizing the Tax Collector to prepare and issue estimated tax bills for the third installment of 2010. Seconded by Mr. Stoll.

Mr. Wolak explained that they are waiting for the rate from the County. Once they get the rate the taxes will be adjusted.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Lease Approval for the Franklin Armory/Littell Community Center

Mr. Snyder motioned to approve the proposed 2010-2011 lease agreement for the Franklin Armory / Littell Community Center by the Joint Recreation in the amount of \$13,237.50. Seconded by Mr. Limon.

Mr. Wolak explained that this is Franklins half of the fees. Mr. Snyder asked about the soccer field being wetlands. Mr. Wolak explained that Hardyston extended the fields into the wetlands and any replacement will fall back on Hardyston.

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Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Appointment Clean Communities Summer Employees

Mr. Snyder motioned to approve the appointment of the following Clean Communities Summer Employees at the rate of \$ 7.25 per hour. Seconded by Mr. Stoll.

1. Robert Stecher

2. John Titka

3. Chris Wood

4. Kevin Good

5. Alex Esposito

6. Premyslaw Karas

Atlernate: John Guest

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Resolution Authorizing 2008-2009 Liquor License Renewals

Mr. Snyder motioned to adopt a resolution authorizing the Borough Clerk to renew liquor licenses for the 2008-2009 licensing term. Seconded by Mr. Kulsar.

The Clerk explained that the applicant did not receive a tax clearance certificate. So the application needs a resolution of approval. These are pocket licenses.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Resolution Authorizing 2009-2010 Liquor License Renewals

Mr. Snyder motioned to adopt a resolution authorizing the Borough Clerk to renew liquor licenses for the 2009-2010 licensing term. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Ordinance #7-2010 Repealing Chapter 171 Loitering

Mr. Snyder motioned to adopt an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO REPEAL CHAPTER 171 REGARDING LOITERING". Seconded by Mr. Limon.

The final hearing will be July 13, 2010.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

Resolution of Interest to Participate in Consolidated County 911 PSAP

Mr. Snyder motioned to adopt a resolution regarding the Franklin Borough's interest to participate in the consolidated County operated 9-1-1 PSAP as recommended in the Planning Guide for Public Safety Answering Point. Seconded by Mr. Limon.

Upon roll call vote:

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

Abstentions: None

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Discussion on Proposed Capital Improvement Projects

A brief discussion was held regarding proposed capital improvement projects scheduled to be completed in 2010. Mr. Wolak said monies were allocated for projects. He needs a commitment from the Council for replacement of Sidewalks on Hemlock Drive and Senior Center, resurfacing of some roads with line stripping including repair of the Borough hall parking lot. Repair of the wall at Main and High Streets. The Council agreed to move forward.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session at 9:20 pm to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Kulsar. There will be no further action taken.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll

Nays: None Absent: Miller, Zschack Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:46 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Kulsar asked about a work session and committee meetings for the budget. The Mayor asked if he could speak to Mr. Zschack.

Mayor Crowley wanted to bring up Sewer EDU charges for the Irish Cottage. The attorney explained you cannot do just for the Irish Cottage; you have to do for everyone. The attorney said if you offer relief every restaurant will be getting relief. The Council can change the ordinance. Mr. Wolak recommended adding banquet seats to 8. If you start down this road you have to fix it all, not for just one business. Get the Councils input and have the BPW look at the rate schedule, they can make their recommendations. The Irish Cottage agreed to that rate when he originally applied. Mr. Kulsar asked about meters and felt all businesses should be metered. Mayor Crowley said the replacement of Administrator also needs to be discussed at the workshop. The meeting will be June 29th at 6:00pm for approving the liquor licenses with a workshop starting at 6:15 pm afterwards.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 10:02 pm, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.