

**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
JULY 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. Stoll, and Mayor Crowley.

Absent: Mr. Snyder, 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, 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):

Request from Wallkill Valley Little League to extend curfew at the Franklin Pond Little League Field to 10:30 PM on July 20th thru 24th to host the State Little League Sectionals.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

Police Report for June 2010.

Construction Report for June 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of July 13, 2010.

Mr. Limon made a motion to approve the consent agenda of July 13, 2010. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, and Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar reported that at the Recreation meeting there was a presentation for the concession stand building which will be brought to the next Council Meeting.

Mr. Limon reported thanked Mr. Kulsar for reporting on the recreation meeting. The Senior Picnic is August 22, 2010 at noon at the Firehouse.

Mr. Stoll reported that DPW finished the work at the abandoned house on Route 23 for \$9600.00 which will be placed as a lien on the property.

Attorney Ursin reported that there were 5-6 tax appeal cases. They negotiated with Lakeland Bank and no refund was involved.

Mr. Wolak's report is on file in the Clerk's office. He discussed upcoming projects, tax cap hearing in Trenton, SCUMA tipping fees and the Fire Official. He also discussed ordinances for flea markets and recycling.

Mayor Crowley reported that the police responded to the bank robbery in less than three minutes. He explained that box lunches are not allowed at the senior program and that the tax collection is at 97%. The State Fire Officials are enforcing fire laws and will continue to do so until the County takes over. Mr. Kilduff was named to County Soil Conservation.

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.

Mr. Marino of Hilltop Lane discussed the garbage ordinance that is on the agenda. He asked what the plan is for next year.

Ms. Tatka of 151 Maple asked how many feet the well is? Mr. Wolak stated it is at 220 feet. She said that the DPW is doing a good job. She asked about the uncollected tax rate and the 38% in the budget. Mr. Rome said the reserve for uncollected taxes is a calculation based on school, county and the borough taxes. The Borough has a little buffer and we must pay the schools and county 100% of the levy. She asked is there is a listing in the budget for the two million extra expenses in the budget. Mr. Rome explained the two million is a summary; the detail is in every department. She asked is the council considered including the \$71.00 garbage fee in the taxes garbage. Mayor Crowley answered no. She asked about the number of units that will pay quarterly payments. The Mayor stated the total amount of units charged for garbage is approximately 1600. Mr. Wolak added the garbage fees and SCUMA have increased about \$6000.00 a month. She recommended recycling once a month. She asked if Wallkill Valley High School charges for students by mailing addresses. The Mayor stated they do not go by mailing addresses however the school did have students listed for Franklin that actually lived in Hardyston. Mr. Kulsar stated that he is checking the WVHS addresses.

Mr. Giordano of Mabie Street thanked the police for 1.5% wage decrease. He gave the Council some statistics he researched from Appraisals Systems. He recommended that the residents go private for garbage pickup.

Anita Taylor of South Street asked why the Borough sent out estimated tax bills. The Mayor explained that they did not finalize the budget.

Mr. Krupa asked how cut in costs are going to be made. The Mayor explained that they are always looking at cutting costs in every area. Mr. Limon stated that shared services are always being considered and that looking into shared police services again can be done in the future.

Ms. Florence of Rutherford Avenue asked if the figures sent to the State Finance Board reflected the garbage taken out of the taxes. The Mayor stated no.

Mary Harrington of Taylor Road asked why the salary of the Fire Prevention Official is listed on the salary ordinance. Mr. Ursin informed her that these were salary caps and the agreement with the County is not in effect yet.

Mr. Caliendo of Main Street said that he put the store up for rent, but no one called. Mr. Kilduff said he is doing very well. He asked if the town would be willing to buy his property. The Mayor was sympathetic stated they could not buy the building.

Ms. Gardell of 2 LaRue expressed her concerns regarding the Millie Hardin Fund. The Mayor said that \$100,000.00 was left to the town. It was explained that the interest is given to Recreation. The fund cannot be touched without Mayor and Council approval. It can only be used for recreation purpose.

Ms. Penella of Woodland Road asked about the Senior lunches and the furlough days. The Mayor said that they will be taking six days no pay. She feels that the people who speak are disrespectful to the Council. She felt that the people are taking it out on you but felt the Council is also disrespectful the Council signed up for the job.

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Ms. Folkerts of 113 Main Street questioned how the Council will handle retirements that might not happen. She understands that they want to reduce staff by retirement. She believes that they have cut as much as they can from the budget. She felt the Borough needed to lay off employees.

Mr. Ziegler of Hemlock Drive disagrees with privatizing garbage. He expressed that taking care of seniors because of age is not right, it should be your income level, there are younger couples that are in need too. He feels that we all should be treated equally. He stated he has not noticed any great astronomical increase in taxes. After the audience shouted at him, Mr. Ziegler said it was because he has not agreed with them. It is not fair that they heckle him when he sat and listened to them. The Mayor asked the public to please quiet down to allow let Mr. Ziegler speak.

Marie Henderson of Church Street felt the residents should have a choice regarding to garbage.

Ms. Schultz of Main Street asked if they looked into merging towns. She heard the DPW will be doing shared services. The Mayor said it was another rumor going around town.

Mr. Beech of Hilltop Lane asked how many employees do we have and how many live in town. He felt the Borough should look into mandating employees live in town. The Mayor said about 47 full time and 20 part time and that there is no ordinance requiring them to live here.

Mr. Romaine of Nester Street wants the garbage kept in the taxes and that the police should write tickets for litter. He never hears of littering tickets. He feels that the Mayor and Council are not prepared for the meetings.

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.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on June 22, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Stoll

Nays: None Absent: Snyder, Zschack Abstentions: Miller

Ms. Miller motioned to approve the meeting minutes of the Special Meeting held on June 29, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

Adoption Ordinance #5-2010 Modifying the Solid Waste Code

Ms. Miller motioned to adopt 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 Mayor recommended that this be voted down.

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Upon roll call vote:

Ayes: None

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

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

Ms. Miller 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". Seconded by Mr. Limon.

The Mayor recused himself due to a conflict. Mr. Wolak read a memo from Mrs. Williams asking to remove the ordinance from the agenda. The Attorney informed the Council that reauthorizing the lease will extend the period to September 1, 2010. They would have to get a CO by September 1, 2010 or be found in default.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller

Nays: Stoll Absent: Snyder, Zschack Abstentions: None

The final hearing will be August 10, 2010.

Adoption Ordinance #7-2010 Repealing Chapter 171 Loitering

Ms. Miller 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.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #7-2010.

The Attorney informed the Council that the courts ruled that New Jersey loitering laws are unconstitutional because they are vague.

Ms. Fohert asked what will happen to people just hanging around. The Mayor said that hanging around is not illegal. Making noise, fireworks and harassment is illegal.

Mr. Krupa said that fireworks laws are not being enforced. The Mayor said that if the police are called they will enforce but catching the people doing it is hard.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

Introduction Ordinance #8-2010 Salaries of Officers and Employees

Ms. Miller motioned to introduce an ordinance entitled "ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2010". Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

The final hearing is August 10, 2010.

Introduction Ordinance #9-2010 Amending Chapter 161 Land Development

Ms. Miller motioned to introduce an ordinance entitled " AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE, THE BOROUGH'S LAND DEVELOPMENT ORDINANCE". Seconded by Mr. Limon.

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Upon roll call vote:

Ayes: Kulsar, Limon, Miller, and Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

The final hearing is August 10, 2010.

2010 Budget Amendment Resolution

Ms. Miller motioned to adopt a resolution approving the amendments to the 2010 Budget. Seconded by Mr. Limon.

Sam Rome, CFO said that the amendment takes into account all the cuts and is what the estimate tax rate is based on.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, and Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

Public Hearing will be held August 10, 2010.

Resolution Certifying Review of 2009 Audit

Ms. Miller motioned to adopt a resolution certifying the Franklin Borough Council has reviewed the 2009 Audit Comments and Recommendations as required by N.J.A.C.5:30-6.5. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, and Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

Furlough for Chief of Police

Mr. Limon motioned to carry the Police Chiefs Furlough to August 10, 2010. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, and Stoll

Nays: None Absent: Snyder, Zschack Abstentions: None

MISCELLANEOUS COMMENTS

There were no comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Ms. Miller made a motion to adjourn the meeting at 8:45 pm, seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.