

**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  
SEPTEMBER 14, 2010**

Acting Council President Snyder 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. Zschack.

Absent: Mr. Stoll, Mayor Crowley.

Appointment of Acting Council President

Mr. Limon made a motion to appoint Councilman Gilbert Snyder as Acting Council President for the September 14, 2010 meeting in the absence of Mayor Crowley and Council President Stoll. Ms. Miller seconded the motion.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Acting Council President Snyder led the assembly in the flag salute.

Acting Council President Snyder 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**

Acting Council President Snyder 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. Elizabethtown Gas Public Hearing Notice for 09/22/2010 at 3:30 pm and 5:30 pm at Rahway, NJ Court Chambers.
2. JCP&L Public Hearing Notice 1:00 pm on 09/20/2010 at Morris County Administration Building.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Building Department report for August 2010.
2. Tax Collector report for August 2010.
3. Police Department report for August 2010.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. None Filed

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 14, 2010.

Mr. Limon made a motion to approve the consent agenda of September 14, 2010. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

**COMMITTEE REPORTS**

Mr. Limon reported that the Concerts in the Park were a huge success and the Recreation Committee is actively working on the Halloween Parade to be held on October 31, 2010.

Mr. Kulsar informed the Council that over the summer the Recreation Committee has been working on replacing the concession stand and some storage trailers down at the Franklin Pond Recreation Complex. A conceptual drawing by Architect Elizabeth Reeves was shown to the Council. Mr. Kulsar requested that a discussion be held on the building at the next workshop meeting and possible approval for funding at the next Council meeting.

Mr. Wolak's report is on file in the Clerk's office. He discussed the water testing results for reopening the pond to swimming and that the tests will continue in the spring. He also discussed three new lawsuits he received for the Borough and informed the Council that Hardyston Township withdrew their proposal for DPW, recycling and solid waste. He updated the Council on the status of the new well.

Mr. Snyder informed the Council and public that there will be a workshop on Wednesday September 21, 2010 and that the public is welcome.

**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.

There being no one present 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 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 August 10, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder

Nays: None Absent: Stoll Abstentions: Zschack

Adoption Ordinance #9-2010 Amending Chapter 161 Land Development

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

Mr. Wolak explained that the public hearing was held on August 10, 2010 and that the ordinance was referred back to the Planning Board for approval. The Planning Board changed one word that was not a significant change.

Mr. Ursin informed the Council that a letter was received from the Planning Board Attorney indicating that in one section that referred to passenger cars, they changed the word "licensed" vehicles to "registered" vehicles.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

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Adoption Ordinance #10-2010 Fire Inspection Fees

Ms. Miller made a motion to adopt an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO AMEND CHAPTER 119 "FEES" OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING FIRE INSPECTION FEES". Seconded by Mr. Kulsar.

Acting Council President Snyder opened the meeting to the public for any comments regarding ordinance #10-2010. No one from the public came forward.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Resolution Approving Fire Marshall Agreement

Ms. Miller made a motion to adopt a resolution approving the Shared Services Agreement with the County of Sussex for Fire Marshall and related inspection services for one year, effective September 14, 2010. Seconded by Mr. Zschack.

Mr. Wolak explained that even though this was approved at the last meeting the County requested a formal resolution on the agreement.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Endorsement of NJ Highlands Initial Assessment Grant Report

Ms. Miller made a motion to endorse and adopt the Initial Assessment Grant Report dated August 4, 2010, from the Franklin Planning Board and authorize the IAG Report to be submitted to the NJ Highlands Council as recommend by the Franklin Planning Board. Seconded by Mr. Limon.

Mr. Kilduff, Community Development Director, explained the Initial Assessment Grant of \$15,000.00 to allow the Borough to review and go forward with Highlands Plan conformance. The Borough has the ability to conform to the Highlands by completing all the grants or the Borough can opt out at any time. The Borough may not wish to completely conform to the Highlands at this time however we may reconsider at a later time.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Mr. Wolak requested Mr. Kilduff give the Council a brief overview on the current projects within the Borough.

Mr. Kilduff explained that the land use ordinance adopted tonight was very significant because it was the result of changes made to the master plan. It changes the zoning in a number of locations in town, modifies zoning in certain individual lots and implements the NC zone which is a new neighborhood commercial zone on Munsonhurst Road. In addition there are some key lots along the Route 23 corridor that have become commercial HC zone lots. There are some redevelopment projects on some key parcels that have been waiting for this change to happen.

The biggest single project in town is the Group 5 Development Project also known as the big box on Route 23. There will be some road widening for shoulder and turn lanes. They have also submitted for DEP permits and the DOT major access permit has been filed. Off track improvements will be made on areas of Route 23 that are not directly related to the project. This will help with the Borough's traffic issues.

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The Ad Hoc Redevelopment Committee report will be referred to Council after receiving some cost estimates and having a study completed.

Deputy Court Administrator Salary Increase

Ms. Miller made a motion to approve the salary increase for Lindsay Miller from \$13.20 an hour to \$15.00 an hour due to receiving Municipal Court Administration Certification. Mr. Kulsar seconded the motion.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Historical Society Lease Extension

Acting Council President Snyder requested a spokesperson from the Historical Society step forward to update the Council on the Edison Schoolhouse.

Judy Williams, Historical Society President stated she spoke with Mr. Kulsar and Mr. Zschack two weeks ago to discuss the status of the project and the Council's concerns. They also discussed which items were reasonable and doable within the next few weeks.

Mr. Kulsar explained that he preliminarily introduced extending the lease to the end of this year at the last meeting. There were concerns from other members of the Council of how much more of the project would be done within those months and is funding still happening.

Ms. Williams answered that it is still being pursued and that they had a very successful fund raiser on August 28, 2010, and they will be continuing with all of their fund raising efforts. The economy is making it difficult. Donations are continuing to come in, especially as the work is done. We will continue to do everything in all avenues to the best of our ability. The building is waterproof but needs a new roof. We have water hookup, and there is electric, water, sewer and natural gas hookups. The storm water tank for runoff has been completed. Two thirds of the painting is complete. The fence is almost completely down; there is a section by the scaffolding that is still up.

Mr. Wolak asked when the group intends to remove the sections of fencing piled in the back and the drainage pipe. He would like to remove the fencing after the painting is completed, clean up the construction debris as soon as possible and backfill in a short amount of time; that would alleviate some of the complaints from the public. He questioned if their insurance is adequate and current.

Ms. Williams stated that they have the necessary insurance required by the Bank and the Borough.

Mr. Wolak requested the Society maintain the mowing and snow removal from the sidewalk.

Mr. Snyder was concerned that the Society will not be able to get the CO by December 31<sup>st</sup> and what will happen.

Ms. Williams replied that was a difficult question to answer. No one predicted the economic downturn. To get a CO that means everything has to be in proper working order. We need a complete kitchen, a complete bathroom, flooring, interior completely done, roof done, landscaping, windows and painting. Unless we receive a great check this is unreasonable to have completed by December 31<sup>st</sup>. What happens on January 1<sup>st</sup>? We have mortgage that is not defaulted, we carry insurance, and we have shown progress this summer. We have hit a glitch getting things done because of weather, because of constraints, because of construction. Fortunately the construction angles, especially on the outside, are completed other than plastering the foundation. Within the next few weeks the plastering should be completed. Being honest, I don't have an answer. I can only assure you that we are

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not going away, we are committed to this. We want to create the Franklin Heritage Center. We agree to get the outside looking better, do what we can to the property to make it better and worry about the inside later.

Ms. Miller stated she has seen Ms. Williams painting regularly and does commend the effort but was concerned that she doesn't see anyone else working.

Ms. Williams stated that was because she had the most time, others are there but you don't see them.

Ms. Miller felt it was a big project for a handful of people and was concerned about funding. \$100,000 to complete the project is a large number.

Ms. Williams stated it is a significant amount of money and that the pledges also want to know there is a commitment. They hesitate when they see articles of concern in the paper.

Mr. Zschack questioned if the Borough property is any way connected to the collateral and was informed it was not.

Ms. Williams said it would help if the December 31<sup>st</sup> deadline was increased a little bit. We are almost into October and would show good faith from the Council when we solicit funding.

Mr. Limon felt the Society was working very hard on the project and recommended extending the date to December 31, 2011, based on Ms. Williams compassionate plea.

Ms. Miller questioned if this lease is granted when do we write down the criteria of the agreement, she was not willing to give an extension and nothing is set forth with the goals.

Mr. Ursin felt the discussion was slightly off tract. There is a lot of discussion about extending the lease. This lease is in place for 15 years and started March 13, 2007. It is current and the Council doesn't have any issue before them as to whether to enter into a lease or whether to extend the lease. The question before the Council is in response to paragraph 10 of the lease which requires the tenant get a CO within 24 months of the inception of the lease. That time period expired March 13, 2009. When we are talking about the extension it would be specifically for the time period set forth in paragraph 10 of the lease to get a Certificate of Occupancy. The current lease has the criteria judged by a third party; in this case the building department which issues CO's; so that the Council does not have to get involved criteria and progress.

Ms. Miller questioned the conflict of interest vote and the lease.

Mr. Ursin explained the Council has reauthorized this lease in a prior vote at the end of August. What we are talking about again is the clause that required the CO be obtained within 24 months. The Council has two choices, one to extend the time period or move to declare them in default of the lease and they have 90 days to remove the building.

Mr. Wolak questioned if the Council could extend the time but establish benchmarks within that period of time.

Mr. Ursin stated the Council could do that but he did not recommend it. It makes the lease more complicated by injecting criteria in it.

Mr. Kulsar made a motion to extend the time period in paragraph 10 of the lease to December 31, 2011, all other terms and conditions remain in place. Mr. Limon seconded the motion.

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Mr. Kulsar commended Ms. Williams' honesty when she said the Council will be revisiting this again in three months because they probably would not be able to get the CO. Based on their efforts, this could help secure the funding they need and since Mr. Limon suggested giving them more time, this is why I made that motion.

Upon roll call vote:

Ayes: Kulsar, Limon, Zschack

Nays: Miller, Snyder Absent: Stoll Abstentions: None

Mr. Ursin will prepare a lease addendum for approval at the next meeting and will forward a copy to the Historical Society.

**MISCELLANEOUS COMMENTS**

Mr. Snyder discussed the trees on Main Street.

Ms. Miller stated she had a tree service come out to quote on pruning, lifting of the bottom roots and putting cabling in the crouches to protect them from wind and snow. She also is getting two more quotes.

Mr. Snyder discussed that the garbage ordinance needs a time period for putting garbage out at the curb and when the cans should be removed.

Mr. Wolak stated this has been directed to the BPW for recycling and other deficiencies but he will work on and have it ready for the next meeting.

Mr. Snyder discussed feral cats on Main Street.

Mr. Snyder was concerned about the broken safety lock at the playground and would like it replaced as soon as possible. He also stated that the weeds are encroaching within the playground and need to be dug out instead of being weed wacked.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:22 pm, seconded by Ms. Miller. All were in favor.

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Paul B. Crowley, Mayor

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Patricia Leasure, R.M.C.