

**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 14, 2009**

Mayor Crowley called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Barton, Mr. Limon, Ms. Miller, Mr. Snyder, Mr. Stoll, Mr. Zschack, 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.

Mr. Zschack made a motion to approve the consent agenda of July 14, 2009. Seconded by Mr. Limon.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. NJ Transit Public Hearing Notice – RE: Senior Citizen and Disabled Resident Transportation Assistance.
2. Resolution from Hamburg Borough requesting Amendment of the Open Public Records Act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. June 2009 Tax Report for Franklin
2. June 2009 Tax Report for Hardyston
3. June 2009 Municipal Court Report
4. June 2009 Construction Department Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 14, 2009.

Mr. Barton questioned why the police report for July was not included. The Clerk informed Mr. Barton that the police report was not received as of the agenda date and will be included in the next meeting agenda.

Mayor Crowley recommended the Council read the resolution from Hamburg Borough on the Open Public Records Act because it does bring to mind a lot of the problems with this act.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported on the estimated fees submitted from Clough Harbor for the South Pumping Station and updated the Council on the Garrera waterline problem. Mr. Stoll informed the Council of the results of the meeting he had with the Water Supervisor and Mr. Garrera. A six inch main was put in on Susquehanna Street and runs up to Mr. Garrera's property, then a 2 inch copper line was run to his curb box in his yard. That curb box runs to another curb box for his house and to another curb box for the apartments. Then another line runs along the apartments crosses under the ramp to a curb box for the old railroad station. Then another line runs back by the apartments to the old warehouse. These lines still have the old galvanized lines. In the past the numerous water breaks were repaired by the borough, the last time Mr. Garrera repaired the line. The line was never done properly and it was continually pieced over the years. It needs a 1 inch copper line installed from the original curb box to Mr. Garrera's curb box which is a total of 60 feet, and then run a line to the apartment curb box which is another 100 feet. The cost for materials is \$1,293.20 and labor/backhoe \$1,100.00 for a total of \$2,393.20. Mr. Stoll felt the Borough should make the repairs to correct the line and avoid future call outs and arguments for the water department.

Mayor Crowley stated the question was always whose responsibility is it to make repairs, the towns or Mr. Garrera's.

Mr. Stoll explained that the borough has always made the repairs but Mr. Wolak stated the Borough could not spend the money unless the project was approved.

Mayor Crowley asked if these repairs are made will this become Mr. Garrera's responsibility from here on. Mr. Stoll stated yes.

Mr. Snyder questioned the amount of Mr. Garrera expenditure for the repairs he made. Mr. Stoll stated he believed it was \$1,300.00 or \$1,700.00.

Mr. Zschack questioned if Mr. Garrera is looking for reimbursement of the \$1,700.00. Mr. Stoll stated no if the repairs are made.

Mr. Zschack asked if the line services anyone other than Mr. Garrera's house and apartments. Mr. Stoll stated yes, the station and the warehouse properties, the shut off's are still there.

Mr. Zschack felt it was the Borough's line if other properties are also serviced.

Mr. Barton questioned if the Borough needed an easement to go on Mr. Garrera's property.

Mr. Zschack questioned if the other properties are off this line then who would be responsible to repair those lines.

Mayor Crowley suggested a specific agreement be written with what Mr. Garrera is responsible for and when the Borough is responsible for.

Mr. Barton questioned why the curb boxes were put on Mr. Garrera's property and while doing the work can they be backed out. Mr. Stoll stated the boxes are only 1½ to 2 feet on Mr. Garrera's property.

Approval to Repair Waterlines on Garrera Property

Mr. Barton made a motion to approve repairs to the waterlines located on the Garrera Property on Susquehanna Street for a cost of \$2,393.20 upon approval of the Borough Attorney and any easements required. Mr. Snyder seconded the motion.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Limon thanked all who helped on Franklin Nite. The cost was approximately \$4800.00 for the night. The fireworks cost \$5000.00. Everyone from Recreation worked very hard. On August 16, 2009 the "Senior of the Year" will be announced. All are invited from 12 noon to 4PM.

Mr. Zschack reported that the Planning Board meeting is Monday. He asked for executive session for police contracts.

Mr. Barton questioned if the wastewater management map is being worked on for the County. Mayor Crowley explained that the map went to the state and Mr. Oroho has been trying to get an extension from the DEP for two years. He asked about the Ogdensburg interconnect. Mayor Crowley said nothing has been done recently.

Mayor Crowley reported that the new speakers are installed in the meeting chambers. He has called Trenton for the aid figures however; he was told that they would not be ready until next week. There may need to be a special meeting to approve the budget. Those that are interested in visiting the pump station should speak with the Water Supervisor. Franklin Senior Housing is being finalized with the final recommendation for DEP underway. They are hoping for Certificates of Occupancies in August. They are still taking applications for tenants.

Mr. Stoll added that the fire department is doing a walk through to see the layout of the Franklin Senior Housing building.

OPEN PUBLIC SESSION

Mr. Zschack 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.

Elaine Karpowitz of 161 Main Street complained about a wooden planter with flowers in it being placed in the roadway on LaRue Street which could cause damage to vehicles and asked if it was legal.

Mayor Crowley stated it was previously looked into and the planter is on the owner's property. It is legal.

Joanne Taka questioned why the Borough did not allow the residents to put up a nice wall on Main Street, but allows a flower box to be built on LaRue.

There being no one else present who wished to address the Governing Body, Mr. Snyder 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

Mr. Limon motioned to approve the meeting minutes of the Regular Meeting held on June 23, 2009. Seconded by Mr. Stoll.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: Barton

Discussion on Police Department Issues

The Mayor and Council briefly held a discussion on a replacement vehicle for the Police Department Detective. The Police Chief was unable to be present for the Meeting and the CFO recommended holding off until next year. They are exploring a used or leased vehicle. This item was tabled.

The Mayor and Council tabled the status report on the Franklin Rifle & Revolver Qualification Range.

Adoption Ordinance #11-2009 Water/Sewer Capital Improvements

Ms. Miller motioned to adopt an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$109,000.00 FROM WATER/ SEWER CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS WATER/SEWER CAPITAL IMPROVEMENTS OR PURPOSES BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Seconded By Mr. Stoll.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #11-2009. There were no comments from the public.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #12-2009 Copying Fees

Ms. Miller motioned 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 TO CHANGE THE COPYING FEES". Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #12-2009. There were no comments from the public.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Cancelling Outstanding Check Balances

Ms. Miller motioned to adopt a resolution cancelling outstanding check balances within certain checking accounts totaling \$972.04. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Authorizing Zoning Officer to Refund Fees

Ms. Miller motioned to adopt a resolution authorizing the Zoning Officer to refund temporary window sign permit application fees and review fees totaling \$265.00 due to recent changes to the temporary sign ordinance. Seconded by Mr. Stoll.

Upon roll call vote:

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Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack
Nays: None Absent: None Abstentions: None

Resolution Reassigning 2008 Fire Department Monies

Ms. Miller motioned to adopt a resolution reassigning \$8,314.50 from the 2008 Franklin Fire Department Budget. Seconded by Mr. Zschack.

Upon roll call vote:
Ayes: Barton, Miller, Zschack
Nays: None Absent: None Abstentions: Limon, Snyder, Stoll

Resolution Accepting Dedication of Easement from Indian Ridge

Ms. Miller motioned to adopt a resolution accepting the deed of dedication of easement from Indian Ridge at Franklin, LLC and authorizing the Mayor and Borough Clerk to execute the deed of easement. Seconded by Mr. Stoll.

Upon roll call vote:
Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack
Nays: None Absent: None Abstentions: None

Approval Franklin Fire Department Membership

Mr. Zschack motion is in order to approve the Franklin Fire Department membership application of Donald R. Stoll. Seconded by Ms. Miller.

Upon roll call vote:
Ayes: Barton, Miller, Zschack
Nays: None Absent: None Abstentions: Limon, Snyder, Stoll

Approval of Boy Scout Troop 90 Use Application

Mr. Zschack motioned to approve the use application submitted by the Boy Scouts Troop 90 to use the Franklin Pond Recreation Complex Picnic Area on June 13, 2010 from 4:30PM to 9:00PM for their annual Troop 90 Family Picnic. Seconded by Mr. Stoll.

Upon roll call vote:
Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack
Nays: None Absent: None Abstentions: None

Approval of Boy Scout Troop 90 Use Application

Mr. Zschack motioned to approve the use application submitted by the Boy Scouts Troop 90 to use the Franklin Senior Center on every Monday at 7:00PM to 8:30PM for troop meetings and the second Sunday of every month at 7:00PM to 8:30PM for committee meetings from August 2009 to July 2010 as per the attached list. Seconded by Mr. Stoll.

Upon roll call vote:
Ayes: Barton, Limon, Miller, Snyder, Stoll, Zschack
Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Stoll made a motion to adjourn into closed executive session to discuss police contracts. Motion seconded by Mr. Snyder.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:10 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

There were no miscellaneous comments for tonight's meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:10PM, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.