

**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
JANUARY 12, 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. Kulsar, Mr. Limon, Ms. Miller, Mr. Snyder, Mr. Stoll, Mr. Zschack and 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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Franklin Quilters use of Senior Center for 2010
2. Letter to Ms. Quinn from the Board of Health thanking her for her Service
3. Sussex County Freeholders -dated 12/17/2009 RE: Resolution requesting Highland Council to provide funds for Cultural Resource Inventory
4. Borough of Hamburg – dated 12/09/2009 RE: Ordinance #16-2009
5. Borough of Metuchen - RE: Asking Legislation to amend OPRA
6. Township of Mt. Olive- RE: Asking Legislation to amend OPRA
7. Franklin / Hardyston Tax Department – RE: Hardyston Taxes Collected

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police report November 2009
2. Police report December 2009
3. Building Department Report December 2009
4. Tax Collector December 2009

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 12, 2010

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

Mr. Limon made a motion to approve the consent agenda of January 12, 2009. Seconded by Ms. Miller.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported that the BPW met to discuss the increase in rates. The BPW was not happy with the increase. The Board will schedule a meeting to finish discussion and hopefully SCUMA will be present. He discussed the replacing of the 1985 International truck. It is time to get bids on a new truck. He presented pictures of the old truck.

Mr. Zschack requested an executive session for public safety contracts.

Attorney Ursin requested an executive session for litigation and settlement.

Mr. Wolak gave his report which is on file in the Clerk's office. He informed the Council that he had his first budget meeting with staff. They are to operate off a zero base budget. There could be cuts in operating, expenses, personnel, furloughs, cut in hours and so on. He discussed the costs for snow plowing and ice storm personnel. He is working with the Engineers regarding the municipal back up well. He requested an executive session for personnel matters and informed the Council that all emails for the Council will be going on the Boroughs computer.

Mayor Crowley reported that the BPW was upset about increases and that they are going to look into getting them down. He did not reappoint members for the Economic Development Committee as they will meet to discuss their intentions. He discussed the fire at Concetta Towers and thanked everyone who helped the residents and put the fire out. Westwind Manor, Immaculate Conception and the Presbyterian Church were there to help. There have been many agencies involved to help and the Fire Departments and Police did a great Job. They got everyone out. The fire is being investigated. He thanked all for the support they have given. He is writing a letter of thanks to the Herald. He discussed Senate Bill #2985 regarding sewer service. He discussed an article in the Star Ledger regarding the property tax fight. There are five things listed, we have done four out of the five.

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. Limon. All were in favor.

Jean Zabrisky of Pro Cutters, 282 Rt. 23, expressed her concerns regarding the sign ordinance set back is 14 feet from the state line. She is disappointed. She said that Shop Rite has signs pass the grassy knoll. She discussed the pet stores cages on the sidewalk. She questioned the permitting process.

Mayor Crowley explained that they have no control over the DOT right-a-way.

Joanne Tatka questioned whether the SCUMA representative showed up at the meeting. She questioned the sewer bill increase and the budget cuts. She asked if licenses are required for cats.

Mayor Crowley explained that SCUMA felt that all the questions have been answered so they declined to come to the meeting. The Mayor told her the sewer bill increase is estimated to be \$120.00 to \$170.00 and that everything in the budget will be looked. He inform her that licenses are required for cats.

Mr. Krupa, 123 Main Street, stated he wrote to Ms. Jocabucci on March 28, 2007 regarding what he thought was unethical practice by Councilman Sowden. He has received notice that Mr. Sowden has been found in violation.

Mayor Crowley explained that this matter will have to be reviewed by Counsel.

Mr. Kruppa informed the Council that he had a conversation with Mr. Zschack regarding a position he had. Mr. Krupa stated during this discussion Mr. Zschack became angry, clinching his fists and preparing to hit him. His behavior was shameful to the Borough, Council, and residents. He asked Mr. Zschack to step down.

Mayor Crowley told Mr. Krupa that these were his thoughts and comments.

Attorney Ursin advised the Council not to comment as Mr. Krupa has many avenues to pursue.

Mr. Krupa explained the avenues he has taken. He is filing a letter to various agencies. He asked the Mayor if he was proud to be sitting with Mr. Zschack.

Mayor Crowley replied that he was proud to be sitting with him.

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 Ms. Miller. 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 held on December 8, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Miller, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: Kulsar

Introduction Ordinance #1-2010 Amending Chapter 176 Mobile Home Park Rent Stabilization

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 176 OF THE FRANKLIN BOROUGH CODE, ARTICLE II "MOBILE HOME PARK RENT STABILIZATION" Seconded by Mr. Limon.

Mr. Wolak explained that the language was changed to save costs.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final reading will be January 26, 2010.

Share Grant Application Resolution

Ms. Miller motioned to adopt a resolution joining Wantage Township in applying for a grant to conduct a feasibility study into the appropriate fee schedule for shared use of a Brine Making System and Vehicle Wash System. Seconded by Mr. Stoll.

Mr. Wolak explained this is to do a feasibility study on the needs of joining Wantage Township for the Brine Making System and Vehicle Wash System. DEP requires a Wash System. Smaller vehicles are being taken to the local car wash.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Contracts for the Year 2010

Ms. Miller motioned to approve the execution of the following contracts for the year 2010:

- A. Interlocal Agreement for Tax Collector with Hardyston Township for the year 2010 in the amount of \$89,228.00.
- B. Interlocal Agreement for Municipal Finance Department Services with Hardyston Township for the year 2010 in the amount of \$64,188.50.
- C. Interlocal Agreement for Recreation Programs with Hardyston Township for the year 2010 in the amount of \$35,312.50.
- D. Interlocal Agreement for Chief Financial Officer with the Hardyston Township Municipal Utilities Authority for the year 2010 in the amount of \$13,220.00.
- E. Renewal of Energy Contract for Natural Gas with Metromedia Energy for the years 2010 and 2011 at a cost of plus \$0.0600 per therm.

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- F. Renewal of Monthly Monitoring Fees from Jan-Mar Alarm Company for the year 2010 at the same rates as 2009.
- G. Renewal of Information Technology Service Contract from Municipal Software, Inc., for the year 2010 in the amount of \$500.00 per day for up to 12 days.
- H. Daniel A. Colfax, Esq. is awarded a contract for providing the services of Deputy Municipal Public Defender for the Borough of Franklin for the year 2010 in the amount of \$150.00 per case. (This is a correction from the 01-05-10 award.)

Seconded by Mr. Limon.

Mr. Wolak explained the contracts and costs.

Mr. Snyder questioned the increases in the Tax/Finance Interlocal.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ShopRite Liquors of Franklin Person to Person Liquor License Transfer

Ms. Miller motioned to adopt a resolution approving the person to person transfer of a Retail Consumption License with Broad Package Privilege for ShopRite Liquors of Franklin to Franklin 897, L.L.C. trading as ShopRite Wines and Spirits of Franklin and authorizing the Borough Clerk to endorse the license certificate. Seconded by Mr. Stoll.

Mrs. Leasure informed the Council that there were no written objections received by her office.

Mayor Crowley opened the meeting to the public for anyone with objections regarding the transfer. There being no one who came forward, Mayor Crowley closed the meeting to the public.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Laddey, Clark & Ryan Contract Approval

Mr. Snyder motioned to approve the contract for Laddey, Clark & Ryan for legal services to the Board of Public Works and Rent Leveling Board at a rate of \$160.00 per hour. Seconded by Mr. Limon.

Mr. Wolak explained that the Rent Leveling Board and the Board of Public Works are as needed boards.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Appointment Crossing Guard

Mr. Snyder motioned to approve the appointment of Lorraine Demarest as a substitute crossing guard at a rate of \$13.15 per hour effective immediately. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, 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. Snyder made a motion to adjourn into closed executive session at 7:55 pm to discuss personnel, litigation, contracts and attorney client privilege matters. Motion seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:24 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Stoll requested the opinion of the Council on purchasing a truck for the Road Department.

Mr. Wolak stated that the Borough had the money in capital for the truck. The bid spec will need to be in place first. The repairs for 2010 have been \$900.00. Once the truck is retired it goes to auction if not sold it will go for scrap.

Some of the Council Members were not convinced a new truck is needed.

Mr. Wolak stated the old truck might get through this winter. Mr. Wolak can put the spec together in seven days. The bid process was discussed.

Mr. Snyder discussed the usage of the 350 pickup being driven around by the DPW Supervisor all day long and suggested he use a smaller car.

Mr. Wolak said that there was no other car and he needs the truck. It was mentioned to give him the Borough vehicle behind the municipal building. Mr. Wolak stated that he felt that the car was not road worthy.

Mr. Snyder explained he is looking to save money.

Mr. Limon discussed that the vehicle looks as though it is only driven around. The residents ask him why is the supervisor driving and not in his office.

Mr. Stoll felt it is poor scheduling there are always two people in the truck.

Mr. Wolak will speak with the supervisor.

Mr. Kulsar asked for time to go over issues with Mr. Wolak. There was a brief discussion on making the sign ordinance friendlier.

Mr. Snyder questioned the Borough Codebook updates.

The Clerk informed Mr. Snyder that the updates are sent every six months, but all the new ordinances can be found on the Borough's website.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:38 pm seconded by Mr. Zschack. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.