

**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
MARCH 23, 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. Snyder, Mr. Zschack and Mayor Crowley.

Absent: Mr. Stoll

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."

PRESENTATION

Mayor Crowley announced that at this point of the meeting Sam Rome, CFO and Tom Ferry, Borough Auditor, will address the Council regarding the 2010 Municipal Budget.

Mr. Sam Rome, Borough CFO discussed the proposed budget for introduction. He discussed an approximate \$300.00 tax increase per home. He gave example of the re-evaluation which raised a home previously assessed at \$114,000.00 to approximately \$221,000.00.

Mr. Wolak expressed his concern that we are assuming no aid. If we do get aid it will be use to reduce the tax. He explained that there are increases in SCUMA fees. The revenue from permits and other revenue producing fees are down. He stated that the budget went up only \$26,000.00 this year mostly from contractual increases. They will continue to look for ways to trim the budget. He briefly explained the budget process.

Mayor Crowley asked about the reduction in COMPTRA aid, state aid and if the increase in tipping fees was in the budget. Mr. Rome replied yes he did allow extra for solid waste increases in the budget.

Mr. Limon asked about the actual cent increase is. Mr. Rome did not have an estimate, but approximately \$300.00 per home.

Mr. Rome explained the CAP ordinance that is on the agenda. A final rate will not be determined until all numbers come in such as the school and county. The school, county and Wallkill Valley tax must be paid first. Then the municipal tax gets paid.

Mr. Zschack stated that they need to find ways to bring the numbers down.

The Mayor and Council thanked Mr. Rome for his time.

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. Andover Township - RE: Resolution Designation the Month of March as "Woman's History Month"
2. Montague Township - RE: Resolution Supporting Senate Bill S-1
3. New Jersey Transit Public Hearing Notice - RE: Changes to Bus, Rails, Fares and etc as of May 1, 2010

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REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for February, 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 23, 2010.

Mr. Limon made a motion to approve the consent agenda of March 23, 2010. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

COMMITTEE REPORTS

Mr. Zschack reported that there were no items on the Planning Board agenda but the master plan was discussed.

Ms. Miller reported that she attended the Sussex County business awards. There were no prizes for Franklin. EDC Clean-up Day is coming.

Mr. Limon reported that April 17th is the Senior Spring Fling. Franklin Nite is June 5th.

John Ursin, Borough Attorney, gave an update on Miners Cove. The bond company hired an engineer to look at the site. They will meet with the borough engineer and there will be a report soon.

Mr. Wolak's report is on file in the Clerk's office. He discussed the Beazer well invoices needed to be paid for the engineering. They will be included in the liens. He discussed the grants available associated with elections. He discussed the copier for the Police department; the cost would be \$275.00 a month. He discussed a possible Interlocal with Hardyston for fire prevention; the cost would be \$17,000.00 per year. The Council questioned the State taking over the department. Mr. Wolak said he would like to keep it in house. If we did not appoint anyone by the 29th, the State would come in. He will be asking for a 30 day extension. The Chief of Police notified Mr. Wolak that an officer will be out due to health reasons and is recommending a step-increase for Officer Churchwell. He informed the Council that the state is mandating certification for the Recycling Coordinator. Mr. Wolak asked for executive session for personnel.

Mayor Crowley reported that grants are not free and the Borough will have to have put in for the grants. He reminded the public that the Girl Scout Garage Sale Day is April 24th. The Chamber of Commerce will be meeting at Borough Hall for a business lunch. He discussed the chain of command regarding employees, Council and emergencies.

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 Ms. Miller. All were in favor.

Scott McKenna of 35 Sterling Street expressed his concern regarding his neighbors. They were drunk on Saint Patrick's Day. The kids were playing outside with a boom box very loud. He has requested help from the Mayor and Council.

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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. Snyder. 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 March 9, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Resolution Authorizing 2009 Budget Appropriation Reserve Transfers

Ms. Miller motioned to authorize the 2009 Budget Appropriation Reserve Transfers of \$43,750.00 from the current fund. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Resolution Supporting the 2010 Census

Ms. Miller motioned to support the 2010 Census and recognize April 1, 2010 as Census Day. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Approval Space Farms Contract for Deer Carcass Removal

Ms. Miller motioned to approve the contract from Space Farms for deer carcass removal in the amount of \$45.00 per deer for the year 2010. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Memorial Day Parade Approval

Ms. Miller motioned to approve the request from the American Legion Post 132 to hold their annual Memorial Day Parade and Service on May 31, 2010. Line up begins at 10:00 AM at the American Legion with the Parade beginning at 10:30AM and ending at the Memorial Monument on Main Street where services will be held. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Confirmation of Letter of Credit Release for Sterling Ridge Property

This item was removed from the agenda and replaced with the resolution regarding the GS Realty Letter of Credit on tonight's addendum.

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Approval EDC Cleanup Day

Mr. Zschack motioned to approve the Economic Development Committee Clean Up Day to be held on May 1, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Appointment of Recreation Member Alternate #1

Mr. Zschack motioned to confirm the Mayor's appointment of Mark Risko as Alternate #1 on the Recreation Commission; term expires December 31, 2011. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Introduction Ordinance #2-2010 Exceed Budget Cap

Mr. Zschack motioned to introduce an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The final reading will be April 27, 2010.

Introduction FY 2010 Municipal Budget

Mr. Zschack motioned to adopt a resolution introducing the FY 2010 Municipal Budget for the Borough of Franklin. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The public hearing will be April 27, 2010.

Resolution Cancelling Outstanding Check Balances for Court

Mr. Zschack motioned to adopt a resolution authorizing the Municipal Court to cancel outstanding check balances totaling \$9.11 from the bail account and \$52.00 from the general account. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Introduction Ordinance #3-2010 Water & Sewer Fees

Mr. Snyder motioned to introduce an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING CHAPTERS 213 AND 270 AND AMENDING CHAPTER 119 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING WATER FEES AND SEWER CHARGES". Seconded by Mr. Limon.

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Mayor Crowley explained that the fees can be adjusted as needed after the BPW meeting. The fees are to satisfy the operating costs and debt costs.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

The final hearing will be April 13, 2010.

Resolution Regarding GS Realty Letter of Credit

Mr. Snyder motioned to adopt a resolution authorizing the release of the Letter of Credit #1745 in the amount of \$57, 904.20 and accepting the replacement Letter of Credit #1747 in the amount of \$66,562.20 from GS Realty. Seconded by Mr. Limon.

Mayor Crowley announced that the transaction has already taken place, they are just memorializing it. Mr. Wolak informed the Council that as per the Clerks request he gave her a letter authorizing the release without a resolution. The Attorney explained the proper procedure is that Council releases the document before the exchange is done. The Clerk asked if the Administrator can make her release documents. The attorney explained that the chain of command is the Clerk to the Council for approval of a bond release.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

Discussion on Master Plan Ordinance Amendment

The Council held a discussion on the proposed Master Plan Ordinance Amendment including the legal costs. The Master Plan must be reviewed every 6 years. Mr. Wolak discussed the cost of approximately \$9000.00 to \$9500.00. The Budget Committee thought that this should be discussed before it was put into the budget.

Discussion on Certified Public Works Manager Training

Mr. Snyder discussed the possibility of looking into getting a Certified Public Works Manager because of the possible retirement of the DPW Superintendent retiring in a year or two and the Borough will need to have someone certified to step in. The personnel committee recommends Brian VanDenBroek, BPW Superintendent, for the training.

Mr. Wolak explained that the program will take two years and through Rutgers and the cost would be approximately \$5000.00.

The Mayor mentioned to protect the Borough, there should be an employment agreement with the individual.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Limon made a motion to adjourn into closed executive session at 8:33 pm to discuss personnel matters. Motion seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: Stoll Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:58 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Probationary Increase for Marguerite Nemeth

Mr. Snyder motioned to approve the \$1000.00 probationary salary increase for Marguerite Nemeth, to be retroactive January 1st of 2010. Seconded by Mr. Kulsar.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder

Nays: Zschack Absent: Stoll Abstentions: None

Mr. Kulsar discussed the grant statement that was presented to the Council at the last meeting. He spoke to the CFO to get more information on the grants and found that the total that was on the statement was incorrect. The actual grant total is only \$76,000.00 out of the \$713,295.00. The first Small Cities Grant of \$200,000.00 and \$40,000.00 was by Maryanne Smith. We gave back \$123,000.00 of the \$200,000.00 because we did not use the grant. The rest noted received or pending, we did not receive the grant money. As per the CFO we only received \$76,000.00.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:01 pm, seconded by Mr. Snyder.

All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.