

**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 28, 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. 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. None filed

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING)

1. None filed

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 28, 2010.

Mr. Limon made a motion to approve the consent agenda of September 28, 2010. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported that Evans and Maple have been repaved. He discussed future paving and other projects.

Mr. Snyder reported that the workshop meeting was productive. The replacement Administrator was discussed.

Mr. Kulsar reported that at the recreation meeting the commission discussed the renovations to the building and Halloween parade which is October 31st at 1:00pm ending at the firehouse.

Attorney Ursin asked for executive session to discuss litigation.

Mr. Wolak's report in on file in the Clerk's office. He discussed that the play ground mulch needs to be replaced and will cost \$3729.00 for the mulch. The CFO sent back the check list for state aid. He explained that we qualify for 100% of funding. Budget items must also be put on the website. Two crossing guards will be hired to

do the Dog Census. Chief Kistle was given permission to begin a hiring list for new police officers. The well project will be reactivated.

Mayor Crowley reported that the Sussex County Chamber of Commerce is having a diner this Thursday for Mayors. The Mineral show was a success. The hiring list for Police Officers has been reactivated, but we are not hiring.

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. Snyder. All were in favor.

Joanne Tatka of 151 Maple Road questioned the hospitalization with the County. Mr. Wolak said that there was no pressure because we were in the state plan where the cost is less. The attorney added that at this time it is not available to the municipalities. She asked about the two extra DPW workers. Mr. Wolak said that they are from a state program. She asked if the two patrolmen were back at work. She was told that one is and one is not. She asked if the Council attends the Freeholder meetings. Mr. Wolak said that sometimes he does. She asked about the salt prices and Mr. Wolak said that they will piggyback on the County contract. She asked about mortgage discharges and Attorney Ursin explained that these are when residents repay Small Communities Block Grant loans. She wanted to know about the garbage rate and reducing upcoming services. The Mayor said that they will bid all options.

Freeholder Crabb added that the County would like to offer benefits but the state has mandated they cannot at this time. He also discussed the charge backs for Waste Management.

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. Limon. All were in favor.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder motioned to approve the meeting minutes of the Regular Meeting held on September 14, 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: Stoll

Introduction Ordinance #11-2010 Funding \$42,000 for Improvements

Mr. Snyder motioned to introduce an ordinance "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$42,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING IMPROVEMENTS TO MUNICIPAL BUILDINGS AND GROUNDS BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Hearing will be held October 12, 2010.

Introduction Ordinance #12-2010 Authorizing Emergency Appropriation

Mr. Snyder motioned to introduce an ordinance entitled "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S. 40A:4-53 ET SEQ. TO CODIFICATION OF ORDINANCES, BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Limon.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Hearing will be held October 12, 2010.

Resolution Requesting 2.5% Cap Exclusion for \$20,000 Special Emergency Appropriation

Mr. Snyder motioned to adopt a resolution requesting the Director of Local Government Services exclude the Special Emergency Appropriation of \$20,000 for Codification of the Master Plan from the 2.5% CAP. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Maintenance Contract for FTR Gold Recording System

Mr. Snyder motioned to approve the maintenance contract from October 31, 2010 to October 30, 2011, in the amount of \$1,600.00 for the FTR Gold Recording System Hardware and Software Support. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption IRS Section 125 Cafeteria Plan

Mr. Zschack motioned to adopt the Internal Revenue Service Section 125 Cafeteria Plan. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #13-2010 Modifying Solid Waste and Recycling

Mr. Zschack motioned to introduce 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 AND RECYCLING". Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Hearing will be held October 12, 2010.

Appointment Board of Health Member

Mr. Zschack motioned to appoint Jill Helmstetter as a member of the Board of Health filling an unexpired term ending December 31, 2010, effective immediately, as recommend by the Board of Health. Seconded by Mr. Limon.

Mayor Crowley added that Doris Heller retired after thirty years. He thanked her for her service.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion Purchase of Trash Receptacles

A discussion was held on purchasing trash receptacles for Main Street.

The Mayor explained that there are only a few on Main Street. He explained the Master Plan where the types of receptacles are discussed.

Mr. Wolak said that EDC were able to find a similar type but they are expensive, \$3161.00 for three. Money can be taken out of Clean Communities funds. He recommended that they should hold off on the purchase until the Re-Development Survey discussed and give the EDC some money for other Main Street Improvements.

Mr. Snyder requested to discuss implementing a residency requirement for new hires at a future meeting.

Attorney Ursin stated that most municipalities that have it are moving away from it because of difficulties in hiring qualified applicants.

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 7:57pm to discuss attorney client privilege matters. Motion seconded by Ms. Miller.

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 8:14 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Zschack discussed an old survey marker that should be saved on the High Street wall.

Mr. Wolak discussed the purchase order from Chief Carroll from the fire convention which was \$510.20. He said that \$599.00 is provided by the State to all that attend which includes housing. \$500.00 has been allocated in the Borough budget. The Council agreed that \$500.00 be reimbursed. The Council members who are also members of the Fire Department abstained from the straw poll.

Mr. Wolak informed the Council that the Chief of Police would like to attend the conference in Orlando, Fl. The County paid for registration and lodging. There is still \$465.57 left in his convention line item. He will be on Franklin Borough time.

The Mayor recommended that the Council approve his attending.

Approval of Chief of Police to Attend Conference

Ms. Miller motioned to approve the Chief of Police to attend a conference in Orlando, Fl. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Miller, Zschack and Mayor Crowley.

Nays: Limon, Snyder, Stoll Absent: None Abstentions: None

Mr. Kulsar asked about the sewer rates. The Mayor stated he met with Mr. Friend, Board of Public Works Chairman and a member of the board. He will be looking into why EDU's were established. The Mayor would like to see actual usage rates. Mr. Kulsar suggested that the Mayor and Council work on the garbage contract/rates and the sewer and water rates.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 8:28 pm, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.