

**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 27, 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, Ms. Miller, Mr. Snyder, Mr. Stoll, Mr. Williams, Mr. Zschack, Mayor Crowley.

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.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for December 2008.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 27, 2008.

Mr. Stoll made a motion to approve the consent agenda of January 27, 2009. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Zschack reported that there will be a meeting with FOP Thursday. He asked for executive session for contracts. He explained that the Planning Board only had one application.

Mr. Stoll reported that they are ready for the storm with salt and trucks.

Mr. Wolak gave his administrators report. He asked for executive session for contracts. A copy of his report is on file in the Clerk's Office.

The Mayor reported that the fire truck that is up for auction was serviced by DPW. He attended a spaghetti dinner for WVFAS. The DPW reconditioned a dump truck that is over 20 years old. There will be a meeting Thursday night for Main Street Revitalization Committee. The Recreation Commission is working on Franklin Day and other events.

OPEN PUBLIC SESSION

Mr. Stoll 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.

Joann Tatka of 151 Maple Road does not understand the police arbitration. She explained that companies change procedures all the time. The Mayor explained that if the FOP files a grievance then it goes into arbitration. She expressed her

PAGE TWO OF THE MINUTES OF JANUARY 27, 2009

concern that the township pays for the police officers meals. Mr. Wolak discussed the employee and FOP contracts regarding meal allowance for overtime.

Mr. Krupa of 134 Main Street asked the Mayor and Council to sign a petition to keep Joseph McCullum, a child rapist/murderer, in jail for the rest of his life. The Mayor explained that as individuals the Council members can sign. Mr. Krupa questioned if Mr. Wolak asked the finance committee to junk the budget recommendations that the Tax Association made. The Mayor said that was not true about Mr. Wolak. Mr. Krupa questioned if it was true that the Edison School House was being held up for the extra building footage. The Mayor explained it is being held up because of the snow.

Mr. Kistle of 123 Davis Road asked if there was \$368,000.00 left in sewer allocation and if it was being put in the budget? The Mayor said it was not decided. Mr. Kistle discussed the surplus and capital of sewer/water and the balances in the fund. Mr. Wolak explained the rate study.

James Carroll of 110 Davis Road, Fire Department Chief, explained that there was a recommendation sent for Fire Official. He asked if the recommendations were considered, adding that the Fire Department Chief has made the recommendations over the last years. The Mayor stated that he received the recommendation. He decided to forward to the Council the name that we had previously. That was approved. Mr. Carroll asked if History did not matter. The Mayor responded that he took the recommendation and considered it and decided to go with what he felt was his prerogative as Mayor to make an appointment.

Mr. Kistle 123 Davis Road stated since Mr. Harrington took over as the Fire Official, he has completed many inspections. He agreed with the appointment.

There being no one else present who wished to address the Governing Body, Mr. Zschack made a motion to close the meeting to the public, seconded by Mr. Limon. All were in favor.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Mr. Zschack motioned to approve the meeting minutes of the Re-Organizational Meeting held on January 6, 2009. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Stoll, Zschack

Nays: None Absent: None Abstentions: Snyder

Mr. Stoll motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on January 13, 2009. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution for Local Government Energy Audit

Mr. Snyder motioned to adopt a resolution approving the submission of an application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

PAGE THREE OF THE MINUTES OF JANUARY 27, 2009

Approval Appraisal Systems, Inc. Contract

Mr. Limon motioned to approve the contract for Appraisal Systems, Inc. for providing a complete revaluation of all real property in the Borough of Franklin for tax equalization purposes at a cost of \$155,900.00. Seconded by Mr. Zschack.

Mr. Zschack questioned the actual cost on page 12 of the agreement. He hopes that the Borough could use the information in the future. Mr. Wolak stated he will negotiate the price at lower cost. The State will allow the Borough to pay over a five year period.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval Sgt. Kulsar Retirement Agreement

Mr. Limon motioned to approve the retirement agreement for Sgt. Thomas Kulsar effective February 28, 2009, with a final separation disbursement of \$38,637.56 contingent upon the Borough Attorney's recommendation. Seconded by Mr. Zschack. Mr. Wolak added that thirty three thousand was for sick time and five thousand was for longevity time.

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. Zschack made a motion to adjourn into closed executive session at 7:50 p.m. to discuss personnel and contracts. Motion seconded by Mr. Snyder.

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 8:28 PM and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Amend Executive Session & Regular Minutes

Mr. Snyder made a motion to amend the Executive Session, January 13, 2009 and correct a typographical error in the Regular Minutes of January 13, 2009. Mr. Zschack seconded the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:31 PM, seconded by Mr. Stoll. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.