

**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
APRIL 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. Snyder, Mr. Stoll, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Limon and Ms. Miller.

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

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. March 2009 Construction Report
2. March 2009 Tax Department
3. February 2009 Finance Report
4. March 2009 Police Department

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

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

Mr. Barton questioned the Construction Department receivables of \$3,300.00 and if the Borough will need to supplement the cost of the interlocal.

Mr. Wolak explained that construction should pick up now that weather is better and fees collected should be increased but the Borough has budgeted \$25,000.00 for the interlocal.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, and Zschack

Nays: None Absent: Limon and Miller None Abstentions: None

COMMITTEE REPORTS

Mr. Zschack asked for executive session for Police Contracts. He discussed the five recommendations from the committee regarding Walsh Road, reducing speed limit to 15 miles per hour, installing two stop signs, a temporary road closure during school opening and closing, one-way from Route 23 to Walsh, one way for Parker Street from Buckwheat and High.

The Administrator and Attorney will start working on the ordinance. There was a brief discussion on cones or other means for the temporary closure and the concerns of sight distance when turning from Parker onto High Street.

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Mayor Crowley suggested starting with the 15 mile per hour speed limit, two stop signs and the temporary road closing during school.

Attorney Ursin discussed the meeting with Group Five at Ogdensburg Borough. They stressed that the priority is to upgrade Franklin wells and to work on an interconnect with Ogdensburg.

Mr. Wolak gave his Administrator report, a copy of the report is on file in the Clerk's Office for review. He added that repairs were made to the play ground and the mulch used must be certified. The DPW is working on Oak Street drainage. He added that the Borough did not go with the Pension Deferral Plan. If they did go with it, it would create a debt service for 18 years in the future. The County will not be providing and economic support and open space funding because of budget cuts.

Mayor Crowley reported that a NJ Herald article had a picture of the Edison School House but it had nothing to do with the Ogdensburg story. The EDC clean-up needs volunteers. The town wide Girls Scout Sale will be April 25th. He received a request asking to acknowledge Sister Margaret Marie Kelso who was born and raised in Franklin. She is celebrating 50 years of service as a Felician Franciscan Sister.

OPEN PUBLIC SESSION

Mr. Snyder 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.

Joanne Tatka of 151 Maple Road recommended using the Millie Harden Fund to replace the certified mulch at the play ground. She was happy to hear that the Borough did not defer the pension. She questioned what positions were changed part time.

Mayor Crowley stated that there was one position in the police department, the records clerk was full time but has been replaced with a part time clerk. There were one full time and six part time employees in the construction department.

Russ Bernstein of Walsh Road mentioned he like the idea of a one way on Parker but not on Walsh.

Sally McGrath of Walsh Road stated that one way should be from Route 23 onto Walsh.

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. Stoll. All were in favor.

OLD BUSINESS

There was no old business for tonight's meeting.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on March 24, 2009. Seconded by Mr. Barton.

Upon roll call vote:

Ayes: Barton, Snyder, Zschack

Nays: None Absent: Limon, Miller Abstentions: Stoll

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Adoption Ordinance #5-2008 Exceed Budget Cap

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

Prior to final roll call, the Mayor opened the meeting to the public for any comments regarding ordinance #5-2009. There were no comments.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Withdrawal Ordinance #2-2009 Regulating Clothing Bins

Mr. Zschack motioned to withdraw Ordinance #2-2009 Regulating Clothing Bins. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Introduction Ordinance #6-2009 Regulating Clothing Bins

Mr. Zschack motioned to introduce an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO ADD CHAPTER 104 TO THE CODE OF THE BOROUGH OF FRANKLIN TO REGULATE DONATION CLOTHING BINS". Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Final Reading will be April 28, 2009

Introduction Ordinance #7-2009 United Telephone Co. Easements

Mr. Barton motioned to introduce an ordinance entitled "AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF". Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Final Reading will be April 28, 2009

Approval Garden State Fireworks Contract

Mr. Barton motioned to approve the contract from Garden State Fireworks, Inc. for the Franklin Nite Fireworks Display to be held on June 27, 2009 at a cost of \$5,000.00 with amendments by the Borough Attorney and Borough Administrator. Seconded by Mr. Zschack.

Mr. Ursin recommended changing the contract to include an increase in insurance, indemnification and a post show grounds inspection.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

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Approval Nisivoccia & Company Contract

Mr. Barton motioned to approve the contract from Nisivoccia & Company, LLP for auditing Franklin Borough's Financial Statements for the years ending December 31, 2008 and December 31, 2009 at a fee not to exceed \$25,000.00. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Approval Franklin Fire Department Membership

Mr. Barton motioned to approve the Franklin Fire Department membership application of Douglas G. Talmadge. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Zschack

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

Appointment Substitute Crossing Guard

Mr. Snyder motioned to appoint Rachel VanDyk as a Substitute Crossing Guard and a rate of pay of \$12.95 per hour, effective immediately. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Approval Prayer Walk

Mr. Snyder motioned to approve the Fourth Annual Prayer Walk by Family Cloister Learning Center on Saturday, May 30, 2009 at 11:00AM with 80-90 participants. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Mr. Snyder motioned to approve licensed water operator Robert Genitelli at \$800.00 per month. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller 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 personnel and attorney client privilege matters. Motion seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:07 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

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ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:08 PM, seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.