

**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
MAY 26, 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. Limon, Ms. Miller, Mr. Snyder, Mr. Stoll, Mr. Zschack, 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."

PRESENTATIONS

Jason Doyle, Franklin Representative on the Sussex County Solid Waste Advisory Commission, updated the Council on the soon to be enacted flow control at the Sussex County Municipal Utilities Authority landfill. Mr. Doyle explained that because the solid waste tonnage is dropping at the landfill it is causing a revenue drop for the SCMUA. The SCMUA will be starting to implement "Flow Control" where all waste collected in Sussex County must use the SCMUA landfill. This will cause higher tipping fees which will be passed onto the municipalities and businesses by solid waste contractors. Franklin only has about 10% of the collections that use outside landfills. These 10% are mostly businesses responsible for their own collections. The increase in revenue will allow SCMUA to pay the bonds on the landfill.

Mayor Crowley thanked Mr. Doyle for volunteering to be Franklin's Representative.

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.

Mr. Limon made a motion to approve the consent agenda of May 26, 2009. Seconded by Mr. Barton.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from Sussex County Board of Chosen Freeholders dated May 14, 2009 in support of Birding and Nature Festival.
2. Resolution from Sussex County Board of Chosen Freeholders dated May 14, 2009 urging the NJ Assembly to Immediately Approve Assembly Bill 3738.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. March 2009 Municipal Court Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Use application from Cub Scout Pack 298 to hold Bridging Ceremony and Picnic at the Franklin Pond on June 6, 2009 from 12 – 4 PM.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 26, 2009.

PAGE TWO OF THE MINUTES OF MAY 26, 2009

Mayor Crowley informed the Council that he felt item #2 under correspondence was a very important resolution that is on tonight's agenda for adoption which would take away the developer's fee and will have an impact on the developer's in Franklin.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported that yesterday the Franklin American Legion held their Memorial Day festivities. Everything went well and the Council and Senator Oroho attended. He also requested shutting down Main Street for the Historical Society 5K Run and Walk on Saturday, June 27th during the morning. He reported he will be meeting with the Mayor for the selection of the Franklin Senior of the Year; the Senior Picnic is tentatively scheduled for August 16th.

Closure of Main Street

Mr. Limon made a motion to close Main Street on Saturday, June 27, 2009 in the morning for the annual 5K Run and Walk hosted by the Franklin Historical Society. Mr. Stoll seconded the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Barton commented on the adjusted sewer service area by the DEP, the Route 517 developments and big box store on Route 23 have been removed which halts any new ratables for Franklin. Mr. Barton felt it is time to reach out to other municipalities and form a coalition to let the state know enough is enough. The Borough has been managing our resources and property until this point and have done a very good job, and the municipalities' can no longer tolerate the injustice that have been put on this town and county. We need to unite all the municipalities and the county.

Ms. Miller questioned if the pond had been treated for weeds and was informed by the Mayor that it was.

Mr. Ursin updated the Council on the court filing for the enforcement of the Beazer settlement. The Borough has their attention and the engineers seem to be doing what they are supposed to be doing. Some progress may be made by the next council meeting.

Mr. Wolak gave his Administrators report which is on file in the Clerk's office.

Mayor Crowley thanked the American Legion for sponsoring the Memorial Day Parade. There was a great turnout and we made special recognition to Leonard Riccardi, who was a D-Day Veteran, by presenting him with a plaque. Mr. Riccardi's job was to blow up the floating mines once the mine sweeper cut the mines. This cleared the way for the infantry troops land on the beach. Mayor Crowley also toured the 25 year old Pump Station on Route 23 South and advised the Council that it needs to be overhauled and brought up to date within the next year or so. The school is hosting a golf outing at the Walkkill Valley Country Club to fund projects at the school. The Governor has taken away all the money for training of Emergency Medical Technicians from the Emergency Medical Services, the burden will now fall on the individual squad or municipality.

Mr. Wolak informed every one of the tragic events we have had during the last couple of weeks. Our CFO, Sam Rome's wife passed away and was buried last Thursday. Unfortunately the same day she was being buried we received bad news that the Deputy Clerk, Marguerite Nemeth's 23 year old son was killed in a

PAGE THREE OF THE MINUTES OF MAY 26, 2009

car accident. He added that the Mayor's brother passed away a couple of weeks ago also. Mr. Wolak offered condolences from himself and the Borough of Franklin Family.

Mr. Snyder added that Councilman Stoll's brother-in-law passed away yesterday and arrangements are being made at this time.

Mayor Crowley thanked everyone for their condolences that were given to him and his family.

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.

JoAnne Tatka of 151 Maple Road questioned if the sewer service area change is now official. Mr. Ursin stated it will not be official until the County submits its Wastewater Management Plan in November. She also asked if the budget was finalized. The Mayor informed her it would not be finalized until the Borough received the final numbers from the state because the Borough has requested State Aid. She asked if the Borough's Police Stealth Car was purchased with a grant as in Hardyston Township. The Mayor informed her it was not. The Chief applies for grants but the Borough did not receive a grant for the car. She also questioned the legality of the black tinted windows on the stealth car. The Mayor answered they were legal for Police.

Betty Allen of Jenkins Road thanked all the groups that were associated with this year's Memorial Day for making it such a nice event. The flowers were beautiful and also the grounds. It was a great parade, the band was wonderful and we had a great turnout. Mayor Crowley stated that the papers reported that a lot of the Memorial Services were poorly attended. He was very glad to see that Franklin's attendance was increasing, both in the parade and watching. She asked about the placement of Main Street directional signs on Route 23. The Mayor informed her Borough was going over the signs right now. She suggested putting money aside for the Main Street parking lot expansion and not to close Walsh Road from Route 23.

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

Mr. Zschack asked for an update on the School Plaza curbing and parking situation that was brought to the attention of the Council two weeks ago by a resident and if the Public Safety Committee was informed.

Mr. Wolak stated he went up to School Plaza and looked at the situation and even talked to other residents but he did not receive any responses. The original curbing project was part of a grant that was not awarded. The problem is an overflow of parking from the school which is hard to enforce.

Mayor Crowley suggested Mr. Zschack bring it to the attention of the Committee if he felt it was needed. He added that there was no easy solution to the problem.

Mr. Snyder asked the attorney if he could discuss School Plaza being he was a School Plaza resident. The attorney informed him since the Council was not voting on the School Plaza issue there was no conflict and he could voice his opinion. Mr. Snyder informed the Council that he went to the School Board many years ago and told them the problem at School Plaza during events and the Board was taking care of the problem. But it has been forgotten and the organizations (like the Mineral Show) are not being told to supply someone to direct traffic for parking in the field and School Plaza is starting to get blocked up once again. The plan for

PAGE FOUR OF THE MINUTES OF MAY 26, 2009

Washington Ave. and the cul-de-sac is not being used, vehicles should be forced to use the cul-de-sac to drop off the school children and stop using School Plaza.

Mr. Zschack felt the Public Safety Committee needed to be informed.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack made a motion to approve the meeting minutes of the Regular Meeting held on May 12, 2009. Mr. Limon seconded the motion.

Upon roll call vote:

Ayes: Limon, Snyder, Stoll, Zschack

Nays: None Absent: None Abstentions: Barton, Miller

Adoption Ordinance #8-2009 Amending Chapter 259 Vehicles & Traffic

Mr. Zschack made a motion to adopt an ordinance entitled an "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO MODIFY CHAPTER 259 "VEHICLES AND TRAFFIC" OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING RIDGEWOOD ROAD AND WALSH ROAD". Ms. Miller seconded the motion.

Mayor Crowley informed the Council that he looked over the ordinance and felt it was too soon to close Walsh Road from Route 23 without getting a report from the Traffic Engineer. The Mayor did not have a problem with the signage, speed limit or anything else in this ordinance. He felt the people in the apartment building would object to having to drive around to Buckwheat Road to get to their apartment and felt the Council should consider that before making a decision.

Mr. Stoll thought everything in the ordinance except closing the road was going to be tried first.

Mr. Zschack explained that everything except making Parker a one way was discussed.

Ms. Miller stated she was in agreement with Mr. Stoll and was under the same impression. She thought the Council was going to start with the signage and speed limit and then reevaluate the situation.

Mr. Stoll stated he could have a hundred neighbors here tomorrow complaining that Mitchell Avenue is a thoroughfare. Cars come in Mabie Street and fly by the houses. We still have a problem on Master Street to Rutherford Avenue. You can't keep closing roads because of traffic. We should put speed bumps in to slow the cars down.

Ms. Miller felt the Borough should inform the Police that there is an issue with the speed limits on Walsh & Ridgewood Roads and get the police force to sit there before closing the road.

Mr. Limon also thought section three and four of the ordinance was not to be included.

A discussion followed regarding ordinance procedures for amending Ordinance #8-2009.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #8-2009.

Councilman Barton left the dais and joined the audience.

PAGE FIVE OF THE MINUTES OF MAY 26, 2009

Mr. Barton resident of 8 Ridgewood Avenue stated this problem has been around for years. There has been backup presented regarding all the accidents. The residents spent many Saturdays with Council representatives; we have Police recommending that the road be closed. When it was discussed the only thing removed from the Safety Committee recommendations was Parker Road. We are at the second reading and everyone is now getting selective memory. Mr. Barton hoped that the Council moves forward because you can't go up Walsh Road from Route 23. You don't need an entrance to the other side of town every ¼ mile. It's ¾ of a mile from High Street to Franklin Avenue and that's where the traffic should go. Someone is going to get hurt and the town will be liable.

Councilman Barton returned to the dais.

Betty Allen resident Jenkins Road asked for clarification on Section 4. Mayor Crowley explained that Walsh road would be one way going down the hill coming out on Route 23. It would turn into two ways at the top where the turn is made. From Route 23 you could not go into Walsh Road. Mrs. Allen wondered why there is so much work being done on Route 23 in Hamburg and Sussex and Franklin has two legislator's right here in Franklin and Franklin is getting nothing done on Route 23. Franklin has the most commercial development then either of the other towns and we still do not get improvements on Route 23. It's time that the State steps up and did something about Route 23 traffic.

There being no one else present who wished to comment on ordinance #8-2009, Mayor Crowley closed the meeting to the public.

Upon roll call vote:

Ayes: Snyder, Zschack

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

Motion to adopt Ordinance #8-2009 did not pass.

Adoption Ordinance #8-2009 Amending Chapter 259 Vehicles & Traffic with Section 4 removed.

Ms. Miller made a motion to adopt an ordinance entitled an "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO MODIFY CHAPTER 259 "VEHICLES AND TRAFFIC" OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING RIDGEWOOD ROAD AND WALSH ROAD" with section #4 removed. Mr. Stoll seconded the motion.

Mr. Ursin explained that since this is only an amended motion on the same ordinance another hearing is not necessary.

Upon roll call vote:

Ayes: Limon, Miller, Snyder, Stoll

Nays: Zschack Absent: None Abstentions: Barton

Motion to adopt Ordinance #8-2009 with Section 4 removed passed.

Mr. Ursin asked for direction as to whether the Council would like Mr. Wolak to submit Section 4 to the NJDOT for comments?

The Council replied yes.

Introduction Ordinance #9-2009 Driveway Permits

Mr. Zschack made a motion to introduce an ordinance entitled an "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO REPLACE SECTION 234-20 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING DRIVEWAY PERMITS". Mr. Stoll seconded the motion.

PAGE SIX OF THE MINUTES OF MAY 26, 2009

Mr. Stoll clarified that any new driveway being constructed would still have to be inspected by the Construction Official.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Reading will be held June 9, 2009.

Introduction Ordinance #10-2009 Amending Signs

Mr. Zschack made a motion to introduce an ordinance entitled an "AN ORDINANCE TO AMEND CHAPTER 218 OF THE CODE OF THE BOROUGH OF FRANKLIN ENTITLED "SIGNS" AND AMENDING CHAPTER 161, "LAND DEVELOPMENT". Mr. Stoll seconded the motion.

Final Reading will be carried until reviewed by the Planning Board.

Police Mutual Aid Agreement Approval

Mr. Snyder made a motion to approve the Mutual Aid Agreement for police services between the Borough of Hamburg, Township of Hardyston, Borough of Franklin and Township of Vernon. Mr. Limon seconded the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Confirmation of Mortgage Discharge Block 39 Lot 29.02

Mr. Snyder made a motion to confirm the Discharge of Mortgage on May 18, 2009 for James and Margaret Ann Marion of Block 39 Lot 29.02 in the amount of \$10,000.00. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Wolak asked Attorney Ursin if he could handle these mortgages discharges as administrator and subsequently bring it to the Council for confirmation or do they need to take formal action?

Mr. Ursin explained that the Council should authorize the Mayor and Clerk to discharge the mortgage because you are giving up an important property right.

Resolution Urging Approval of Assembly Bill 3738

Mr. Snyder made a motion to adopt a resolution urging the New Jersey Assembly to immediately approve Assembly Bill 3738 which would suspend the non-residential affordable housing fee of 2.5% on the assessed value of non residential projects. Mr. Limon seconded the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Supporting Welded Rail – Sparta & NYS Line Project

Mr. Snyder made a motion to adopt a resolution supporting the Welded Rail – Sparta and NYS Line Project which will increase rail safety. Mr. Stoll seconded the motion.

PAGE SEVEN OF THE MINUTES OF MAY 26, 2009

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Grinspec Group Insurance Trust Agreement

Mr. Snyder made a motion to approve and authorize the Administrator to execute the Grinspec Group Insurance Trust Agreement for the policy period beginning 07-01-09 through 06-30-10. Mr. Zschack seconded the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Barton asked if the Council was going to discuss the pool filling issue tonight.

Mayor Crowley stated he wanted to discuss it with the attorney first.

Mr. Snyder commented that tonight in a second reading the Council was discussing changes. He suggested holding workshops so everyone understands exactly what is going on and what we're voting on.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:35 PM, seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.