

**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
JUNE 9, 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, 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.

Mr. Limon made a motion to approve the consent agenda of June 9, 2009. Seconded by Mr. Zschack.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from Green Township urging the NJ Assembly to approve Assembly Bill 3738.
2. Ordinance from the County of Sussex amending administrative code published 1989; last reviewed November 28, 2007.
3. Resolution from Fredon Township requesting amendment of the Open Public Records Act.
4. Resolution from the Sussex County League of Municipalities requesting amendment of the Open Public Records Act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Report for the Month of May 2009.
2. Construction Report for the Month of May 2009.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 9, 2009.

Mr. Snyder stated that the language in the OPRA Resolution from Fredon Township should also be adopted and reflect the costs involved when making copies to the Borough.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Zschack reported that a list of capital improvements will be given to the Council.

Mr. Limon reported that sponsorship for Franklin Nite is not as good as last year. There are 50/50 tickets available. Franklin Senior Picnic will be August 16th at noon.

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Mr. Snyder asked for executive session for Personnel Matters.

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

Mayor Crowley reported that he attended the great graduation they had a nice presentation. The water department was cleaned up behind the garage. Senior Housing is running into problems with DEP and they are working on remediation.

OPEN PUBLIC SESSION

Mr. Zschack 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.

Jean Zabriski of Pro Cutters was present for the sign ordinance. She explained that the Zoning Official informed her of the setbacks and issuance requirements and ordinance changes she has been writing.

The owner of the Furniture Store complained about the sign ordinance.

The owner of North Jersey Gold complained about issuance requirements in the sign ordinance.

The business owners discussed how much they are struggling in these bad economic times and how much they care for the community.

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.

OLD BUSINESS

Mr. Snyder questioned the status of the directional signage for Main Street. Mayor Crowley informed Mr. Snyder that John Rome from the Road Department is working on it with Jim Kilduff and waiting for prices.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Zschack motioned to approve the meeting minutes of the Regular Meeting held on May 26, 2009. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #9-2009 Driveway Permits

Mr. Zschack motioned to adopt 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". Seconded by Mr. Snyder.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #9-2009. There were no comments from the public.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Adoption Ordinance #10-2009 Amending Signs

The adoption of Ordinance #10-2009 and final hearing will be carried to June 26, 2009 to allow for Planning Board review.

Resolution Releasing Partial Bond from Starbucks Coffee

Mr. Zschack motioned to adopt a resolution approving the partial release of the Site Plan/Performance Cash Bond from Starbucks Coffee in the amount of \$5,523.74. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Authorizing 2009-2010 Liquor License Renewals

Mr. Zschack motioned to adopt a resolution authorizing the Borough Clerk to renew liquor licenses for the 2008-2009 licensing term. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Barton, Miller, Zschack

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

Resolution Authorizing Refund of Liquor License Fee Overpayment

Mr. Zschack motioned to adopt a resolution authorizing the Borough Clerk to refund the liquor license fee overpayment of \$20.00 from Sullivan's Gas Light Inn. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Requesting Open Public Records Act Amendment

Mr. Zschack motioned to adopt a resolution requesting amendment of the Open Public Records Act. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Inspection Services for Franklin Pond Dam

Mr. Snyder motioned to approve the proposal submitted by CHA Companies for the Biennial Inspection of the Franklin Pond Dam at a cost of \$2,800.00. Seconded by Mr. Stoll.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of County Contribution for First Aid Squad

Mr. Snyder motioned to approve the contribution in the amount of \$4,375.00 for financial assistance from the County of Sussex to the Walkkill Valley First Aid Squad for the year 2009. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Approval Franklin Fire Department Membership

Ms. Miller motioned to approve the Franklin Fire Department membership application of James J. Schlereth. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Barton, Limon, Miller, Zschack

Nays: None Absent: None Abstentions: Snyder, Stoll

Discussion on Pool Filling Policy

A brief discussion was held on the Fire Department filling pools. Mayor Crowley mentioned his discussion with the past Chiefs and found that pool filling has been a longstanding policy.

Mr. Stoll added that non-potable water from the pond stand pipe is used and that all residents have the opportunity to have their pool filled. Sometimes they get a donation and sometimes they do not.

James Carroll, Fire Chief explained that they have never refused any resident for pool filling; he will distribute the policy to the Council. The Fire Department also pumps water from flooded basements. There is no cost to the Borough.

Mr. Wolak discussed that the Borough's insurance is liable for the Fire Department.

Bob Allen, 44 year member of the Fire Department, reminded the Council that he built the stand pipe years ago and by doing so the hospital's insurance premiums were reduced.

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. 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 8:18 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Limon informed the Council about the American Legion flag retirement ceremony and asked if the fire permit could be waived.

Waive Fire Permit Fee for American Legion

Mr. Limon motioned to waive the \$42.00 fire permit fee for the American Legion. Seconded by Ms. Miller.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley reminded everyone that the 100th anniversary is coming up and recommended starting a committee for the celebration.

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Mr. Snyder requested the Administrator contract Jersey Central Power & Light Co. regarding a site distance problem at the corner of Rutherford Avenue (North) and Route 23 caused by double poles.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 8:23 PM, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.