

**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
NOVEMBER 24, 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. Limon, Ms. Miller, Mr. Stoll, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Barton, Mr. Snyder

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."

Mayor Crowley expressed his condolences on behalf of the Mayor and Council to Donna Miller and the Miller Family on the passing of Clint Miller.

PRESENTATION

Mr. Wolak informed the Council that he attended the Sussex County Municipal Utilities Authority hearing on proposed rates for 2010 because the Borough is facing a \$200,000 increase in charges next year which equates to a \$.08 municipal increase at the present tax rate. The Borough is also looking at increases in pension and health costs and also loss of revenues including extraordinary aid. The Borough is looking at a \$600,000 to \$700,000 hole in the budget. The increase by SCUMA wipes out every savings the Borough made in last year's budget.

SCUMA's increase results in two shortfalls on their part. SCUMA has anticipated connection fees even when the economy started to deteriorate. SCUMA's own documents show connection fees fell 20% over the last five years. To make up the shortfall SCUMA tapped into the \$500,000 surplus to keep the rates low and this year the remaining surplus was used up.

50% of SCUMA's operation is debt service which has significant impact because the debt is underwritten by Sussex County. Municipalities not only could see increases in SCUMA charges but with Flow Control now tipping fees will increase and if SCUMA cannot make their debt obligation then the County tax may also increase.

Mr. Wolak as well as other municipalities voiced their concerns on the impact of the increased rates. An invitation was extended to the Administrator of SCUMA and Commissioner Sowden to attend the December 8th Council meeting.

Mr. Ursin, Borough Attorney, added that he felt SCUMA could have noticed the municipalities better because the municipalities could have hedged against this two years ago by increasing rates incrementally and building up some surplus.

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. Municipal Court Report of October 2009.
2. Tax Department Report for October 2009.
3. Construction Department Report for October 2009.

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Mayor Crowley added that you see belt tightening at the State, County and Municipal levels but SCUMA has not given the perception to the public or communities that there has been a lot of belt tightening by management.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 24, 2009

Mr. Limon made a motion to approve the consent agenda of November 24, 2009. Seconded by Ms. Miller.

Mayor Crowley pointed out that the court revenues have not gone up.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported that road salt has been ordered and the Borough has plenty of liquids so DPW is ready for any storms. Mr. Stoll would like to see the smaller trucks cleaned on a regular basis as the 2005 mason dump has completely rusted rotors. He suggested using the Franklin Car Wash.

Mr. Wolak will also look into a shared service agreement with Byram Township as they have built a truck wash station.

Mr. Limon reported that the Recreation meeting was moved and he could not attend.

Ms. Miller reported that she attended the Recreation meeting and the Halloween Parade was very successful with a lot of attendance. They discussed the Christmas Tree Lighting and are considering updating the decorations to green LED lights for energy efficiency. The concession stand remodel will be put on hold unit next year.

Mr. Zschack reported that at the Planning Board meeting the Braen Quarry application was approved. They are moving their entrance. Also approved that evening was the ShopRite one year extension. The Public Safety Committee is still negotiating the Police Chief's contract and making changes.

Mr. Wolak, Administrator, gave his report which is on file in the Clerk's Office. He reported that he ordered the Main Street signs for the Economic Development Committee and will be installed within 3-4 weeks. He recommended the Council approve the two bond ordinances on tonight's agenda. Professional contracts for the January 5th meeting are being prepared. He will be meeting with Hardyston to go over the interlocal agreements for tax and finance. Twenty proposals have been received for engineering services and he requested one of the Council go over them. The fire chief requested approval of the \$7843.17 that was set aside for clothing maintenance accounts. Mr. Wolak also received a request from the Chief of Police to allow an officer on workers compensation for 4-6 months to carry over 5 vacation, 3 personal days and 7 holidays to 2010. Mr. Wolak suggested approving the carry over with a 3 month minimum time constraint from the time he returns to works.

Mr. Zschack questioned the legal obligation.

Mr. Ursin, Borough Attorney, explained that there is a legal obligation to carry over vacation time the other is discretionary.

Mayor Crowley stated he would like to look into a legal matter on this and suggested carrying this to the next meeting.

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Mayor Crowley reported he will be meeting with the cub scouts this Tuesday and requested a Councilmember to join him. He attended the NJ State League of Municipalities Convention and none of the questions on Highlands or DEP were answered. Hopefully the new governor will make some changes.

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.

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

OLD BUSINESS

Mr. Zschack volunteered to look over the Engineer Proposals for the Council.

Mr. Zschack questioned the status of the Police Chief's travel expense request. Mr. Zschack felt that after reading the emails there was no agreement for \$350.00 as presented and that was why he voted that way. The rental car was never finalized only for the air fare. A discussion ensued.

Approval of Travel Expenses of \$734.05

Mr. Zschack made a motion to approve Purchase Order 13522 for \$734.05 for travel expenses for the Chief of Police. Ms. Miller seconded the motion.

Upon roll call vote:

Ayes: Zschack Nays: Limon, Miller, Stoll

Absent: Barton, Snyder Abstentions: None

NEW BUSINESS

Approval of Meeting Minutes

Mr. Limon made a motion is in order to approve the meeting minutes of the Regular Meeting held on November 10, 2009. Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Limon, Miller, Zschack

Nays: None Absent: Barton, Snyder Abstentions: Stoll

Adoption Ordinance #15-2009 Abandoned Vehicles

Mr. Limon made a motion to adopt an ordinance entitled "AN ORDINANCE TO REPLACE CHAPTER 255 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING ABANDONED VEHICLES." Mr. Zschack seconded the motion.

There were no public comments regarding ordinance #15-2009.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Adoption Bond Ordinance #16-2009

Mr. Stoll made a motion to adopt a bond ordinance entitled "BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER AND SEWER SYSTEMS IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$809,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. Mr. Zschack seconded the motion.

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There were no public comments regarding ordinance #16-2009.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Adoption Ordinance #17-2009 Amending Chapter 194

Mr. Stoll made a motion to adopt an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 194 REGULATING PARKING AT THE BOROUGH OWNED PARKING LOT LOCATED AT THE INTERSECTION OF MAIN AND PARKER STREETS." Mr. Zschack seconded the motion.

There were no public comments regarding ordinance #17-2009.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Adoption Ordinance #18-2009 Replacing Portion of Chapter 10

Mr. Stoll made a motion to adopt an ordinance entitled "AN ORDINANCE TO REPLACE PORTIONS OF CHAPTER 10 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING THE BOARD OF PUBLIC WORKS." Mr. Limon seconded the motion.

There were no public comments regarding ordinance #18-2009.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Resolution Amending Capital Budget

Mr. Stoll made a motion to adopt a resolution amending the capital budget to include \$250,000 for Various Improvements as per bond ordinance #19-2009. Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Introduction Bond Ordinance #19-2009

Mr. Stoll made a motion to introduce a bond ordinance entitled "BOND ORDINANCE APPROPRIATING \$250,000, AND AUTHORIZING THE ISSUANCE OF \$225,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

FINAL HEARING: DECEMBER 8, 2009

Introduction Ordinance #20-2009 Funding Various Capital Purchases

Mr. Stoll made a motion to introduce an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$60,675.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS GENERAL CAPITAL PURCHASES FOR PURPOSES BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Mr. Zschack seconded the motion.

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Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

FINAL HEARING: DECEMBER 8, 2009

Resolution Supporting Over The Limit Under Arrest

Mr. Stoll made a motion is in order to adopt a resolution supporting the "Over the Limit Under Arrest 2009 Year End Statewide Crackdown". Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Limon, Miller, Stoll, Zschack

Nays: None Absent: Barton, Snyder Abstentions: None

Approval Fire Department Clothing Maintenance Allowance

Mr. Zschack made a motion to approve \$7,843.17 for the Fire Department Clothing Maintenance Allowance. Ms. Miller seconded the motion.

Upon roll call vote:

Ayes: Miller, Zschack

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

EXECUTIVE SESSION

There was no Executive Session for tonight's portion of the meeting.

MISCELLANEOUS COMMENTS

Mr. Wolak and Mr. Stoll extended their sympathies to Ms. Miller and wish everyone a Happy Thanksgiving.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7:56 PM, seconded by Mr. Stoll. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.