

**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 27, 2010**

Mayor Crowley called the meeting to order at 7:00 pm and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Kulsar, Mr. Limon, Mr. Snyder, Mr. Stoll, Mr. Zschack and Mayor Crowley.

Absent: 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. Walkkill Valley Regional High School Reorganization Meeting April 27, 2010 at 7:00 pm.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. None

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Use of the Senior Center by the Franklin Girl Scout Troop 897 for the 1st and 3rd Friday of each month at 6:00 pm.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 27, 2010.

Mr. Limon made a motion to approve the consent agenda of April 27, 2010. Seconded by Mr. Stoll

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll, Zschack

Nays: None Absent: Miller Abstentions: None

COMMITTEE REPORTS

Mr. Stoll reported that the road department is working on the catch basins. There have been complaints about the two buildings across from Hooters. He said the demolition is another item the tax payers have to pay for.

Mr. Limon reported that the Spring Fling was successful. He spoke about the proposed concession stand work. The Recreation Commission will be meeting at 7:00pm tomorrow.

Mr. Wolak's report is on file in the Clerk's office. The tax waiver requested was approved for \$154,000.00. The budget introduced was 2.56 and is now at 2.52 and still subject to cuts. He asked the people to understand that the approximate increase in taxes would be about \$200.00. Franklin Borough is only in control of 30% of the increase. The rest of the increase is the County and School. The State took away about \$5000.00 in mandatory watershed aid and the Borough will join Hardyston in a lawsuit at no cost. We are trying to secure a Fire Prevention Official.

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Mayor Crowley reported that the Spring Fling was very nice. Franklin Nite is coming up June 5th and EDC is having a cleanup day this Saturday. The Chief of Police Association is recognizing Officers Geddis and Cugliari for the exceptional duty at the Senior Center fire and during a violent arrest.

Mr. Wolak discussed the Water/Sewer increase, the increase from Sussex County Municipal Utility Authority and the breakdown of the increases. We have no control in the increases. He discussed SCUMA's control of flow control for solid waste. Franklin is not alone. He said we have trimmed the municipal budget. The increase in the Municipal budget from last year to this year was only \$26,000.00 and have reduced our debt service. We have done everything to maintain taxes.

Mr. Wolak discussed the re-evaluation that was ordered by the state. He discussed the fair and marketable rate on the properties. You can ask for a reassessment if you find there is incorrect information by contacting the Tax Assessor. He discussed that the budget needs to be balanced every year. He mentioned that the state does have to balance their budget every eight years. They have put us in competition with Newark and other large cities for what is now called Distressed City Aid.

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 expressed her concerns regarding the \$200,000.00 per acre assessments and houses have been mis-measured. The Mayor explained that they were comparing land in Sussex County. She said that it is not a fair value. She also felt that the Borough should keep the budget under the cap.

Mr. Krupa of 134 Main Street stated that he was impressed with the rhetoric from Mr. Wolak. He asked "how are we going to survive, how are you going to get the costs down and what are you doing for us?" He discussed the two year process of the sandwich signs. The Mayor said "that they are looking into every line item and if they have to cut they will."

David Morgan of 150 Main Street suggested garbage pickup for two trash cans per house.

Jim Marino of 4 Hilltop Lane wants the Council to trim the fat, look line by line. He finds the information regarding the Police Department and medical benefits for Council members disturbing. Mr. Wolak defended the Council by letting Mr. Marino know that the Council has agonized over the budget. They are looking at every option.

Mark Franco of 16 Sterling Street discussed the Allegiance Network would like to hold a Main Street Fair. He discussed that this will drive traffic through Franklin and possibly create new business and jobs. The Mayor asked him to speak at the EDC meeting.

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 Mr. Stoll. All were in favor.

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on. Seconded by Mr. Limon.

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Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll, Zschack

Nays: None Absent: Miller Abstentions: None

Adoption Ordinance #2-2010 Exceed Budget Cap

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

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #2-2010.

Mr. Marino of 4 Hilltop Lane wanted to know how much extra was added to the budget. Mr. Rome, CFO, stated that nothing extra was added.

Upon roll call vote:

Ayes: Kulsar, Limon, Snyder, Stoll, Zschack

Nays: None Absent: Miller Abstentions: None

Public Hearing on 2010 Budget

Sam Rome the CFO and Tom Ferry the auditor explained the proposed budget.

Mayor Crowley opened the meeting to the public for any comments and questions regarding the 2010 Budget.

Damian Ryan of the Irish Cottage asked how the charges for sewer are calculated. He discussed the taxes he pays. He would like a metered charge. He gave a few examples of other towns and their sewer charges. He was told that ShopRite and Walmart are calculated differently.

Mr. Krupa of 134 Main Street questioned the cost of medical insurance. Mr. Rome the CFO answered approximately \$400,000.00. He added that all employees will have to pay 1 ½ percent copay as per the new state requirement. Mr. Krupa asked the Council not to take income away from the employees who are employed by the Borough. Please seek other avenues; there are other ways to cut.

Ms. Tatka of 151 Maple Road asked if there would be any layoffs or furloughs and will there be any more budget hearings. Mayor Crowley said that they have been discussing the options. She asked when that will be finalized. She asked if there is another hearing on the budget. Mayor Crowley said that anyone can come to the hearings or meetings. He said that this is the only one at this time.

Mr. Marino asked if infiltration was raising the sewer costs and what is being done for infiltration? Mayor Crowley said that they will be using cameras to determine the leakage. Mr. Marino complained about the manhole covers sinking. Mr. Wolak explained the metering that was done to identify the areas that need to be addressed. The manhole seals are being replaced to make them water tight.

A ten minute recess was taken.

Mr. Limon was excused from the meeting at 8:23 pm.

Introduction Ordinance #4-2010 Amending Recreation Area Rules and Regulations and Criminal Background Checks

Mr. Snyder motioned to introduce an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING CHAPTER 196, ATTACHMENT 1 ENTITLED "RECREATION AREA RULES AND REGULATIONS" AND CHAPTER 106 ENTITLED "CRIMINAL BACKGROUND CHECKS" OF THE CODE OF THE BOROUGH OF FRANKLIN". Seconded by Mr. Zschack.

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Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

The Final Hearing will be May 11, 2010.

Resolution Approving Restoration Bond for Braen Aggregates

Mr. Snyder motioned to approve the form and amount of \$464,401.00 for the Restoration Bond for Braen Aggregates, LLC. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Resolution Requesting NJDOT Extend Rt. 23 Southbound Climbing Lane

Mr. Snyder motioned to adopt a resolution requesting the NJ Department of Transportation extend NJ State Highway Route 23 Southbound Climbing Lane by restriping the existing pavement. Seconded by Mr. Stoll.

Mr. Kilduff, Community Development Director explained the process of re-opening the climbing lane into Hardyston Township to Lacy Town Road. This will be a restriping only project. It will give more time for slower moving vehicles to get over. Hardyston Township will have to draft a resolution. Mr. Snyder asked where at Lacy Town Road? He was concerned about left hand turns crossing two lanes to go north. The DOT will review the project.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Refund COAH Payment for Block 15 Lot 9.03

Mr. Snyder motioned to approve the request for a \$1,188.00 refund of COAH overpayment for Block 15 Lot 9.03 from the Housing Trust Fund. Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Approval of Proposal for New Concession Stand

Mr. Kulsar motioned to approve the proposal submitted by Elizabeth Reeves for architectural work to create a new concession stand at the Franklin Pond Recreation Complex in the amount of \$3000.00, to be paid from the Mildred Harden Fund, as recommended by the Recreation Commission. Seconded by Mr. Stoll.

Mr. Kulsar informed the Council that the money is coming from the interest of the fund. There are also other funds that can be used to further the project. This will replace several out buildings with one building. Ms. Reeves will be back in May with the drawings.

Mr. Zschack wanted to make sure that this is an approved use of the funds. Mr. Wolak said that after researching the will, the funds have to be used in her memory and released by the Mayor and Council.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Approval of 5th Annual Prayer Walk

Mr. Kulsar motioned to approve the request from Family Cloister Learning Center to hold their 5th Annual Prayer Walk on Saturday, May 8, 2010 beginning at 11:00 AM. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Kulsar, Snyder, Stoll, Zschack

Nays: None Absent: Limon, Miller Abstentions: None

Discussion on Amending Towing Ordinance

The Attorney will present updated proposed fee changes recommended by the Chief of Police to the Towing Ordinance at the next meeting.

MISCELLANEOUS COMMENTS

Mr. Kilduff discussed the conversation he had with COAH and Highlands. He asked for guidance regarding the Housing Element and Fair Share Plan that needs to be in by June 8th. It was recommended that the Borough proceed with the plan and submit it. There is money for the third module that will cover the cost. The Planner will update the plan.

Attorney Ursin spoke about whether COAH will be there in three months. He discussed that if it is done under the Highlands Module it will not cost anything. This is to protect the Borough.

Mayor Crowley discussed when the Borough gave the School Board a lot at the bottom of Washington Avenue and Route 23. He asked the School Board if the parcel could be given back to the Borough. The Mayor will continue discussions with the School Board.

Mr. Kulsar went to the Walkkill Valley Budget meeting. He found that they go by addresses for billing of students. He suggested that the addresses be checked to make sure that the students we are being billed for are in fact Franklin residents.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:05 pm, seconded by Mr. Stoll. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.