

**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
AUGUST 10, 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, Ms. Miller, Mr. Snyder, Mr. Stoll, Mayor Crowley.

Absent: Mr. Zschack

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

Mayor Crowley introduced Joe Inga, Sussex County Fire Marshall. Mr. Inga presented each Council member with forms that he will be giving to businesses. The information gathered will be placed in a database. He will be responsible for the non life hazard businesses. The State will still be handling the life hazard businesses approximately until October 1st 2010. Mr. Inga's staff will also handle all fireworks, carnivals and all non life hazards until the state releases life hazard inspections. There will be continuous coverage.

Mr. Wolak mentioned that the fee ordinance tonight will mirror the county fire code fees.

Mayor Crowley asked Chief Kistle to introduce the new Citizens Advisory Committee. The Chief said that this committee is to create a better relationship between the community and police department. They will be asking for feedback from the residents and businesses. Applications are available for any residents interested in serving on the committee.

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. Sussex County Freeholders – dated July 29, 2010 – RE: Resolution Urging NJ Senate to adopt Senate Bill 2176 and the NJ Assembly to adopt Assembly Bill 3101.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Franklin Police Department report of July 2010.
2. Tax Department report for July 2010.
3. Finance Department report for May and June 2010.
4. Construction Department Report for July 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 10, 2010.
2. Resolution Designating August 26, 2010 as Women's Equality Day in the Borough of Franklin.

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Mr. Limon made a motion to approve the consent agenda of August 10, 2010. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Kulsar reported that he met with the Historical Society and that he will be discussing the outcome later in the meeting.

Mr. Limon reported that the senior citizen picnic will be Sunday, August 22, 2010 noon at Fireman's Park. They will be announcing the senior of the year. There will be a movie night and concert coming in August.

Mr. Stoll reported that they are waiting for the budget approval and that DPW is working on the roads and basins.

Mr. Wolak's report is on file in the Clerk's office. He discussed that the tipping fees have been reduced. We are looking into an Energy Usage Grant up to \$200,000. The Backup well is on hold because of severe weather. The pond water has been tested by the health department and will continue to be tested to determine a base line. He requested executive session for personnel.

Mr. Limon asked if the county will drop flow control. Mr. Wolak stated no.

Mayor Crowley reported that the Chase Bank robber was arrested. The Historical Society did a display at the fair of the Train Industry. Salina Agnor, Miss Franklin 2010, came in fourth at the State Fair competition. He attended a DEP meeting where Mayors commented on the Highlands Act.

OPEN PUBLIC SESSION

Mr. Limon 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.

Sharon Folkerts of Main Street addressed concerns of drugs on Main Street. She said it is a problem that landlords who are aware of the problem do not report it to the police. She stated that residents need to call the police. She asked about the revaluation results on apartments and if the Council is using this information to do something. She asked if the Borough is working on an effective plan on attacking the Main Street problems. She recommended putting tools in place so that the residents can get involved.

Mayor Crowley said this is one of the reasons for the Citizens Advisory Committee and the revaluation shows where all the apartments are and who the owner is. The town will start enforcing the law on obtaining the proper certificates of habitability prior to a change in tenants. Mayor Crowley urged the residents to call the Police if they see anything criminal on their streets or the Zoning Officer for other maintenance issues. The Mayor stated there is no specific plan except enforcement of the present ordinances and updating old ordinances so the Borough can address specific problems such as garbage.

John Yanish asked the Council not to pass the budget. He expressed his concern that the Administrator and Chief of Police increases were over \$6,600 and a Councilman gets health benefits which are for employees. He spoke of the Policeman who has a car at the Franklin taxpayer's expense.

Dan Crum of JV Security, 3 High Point Circle asked questions about the Closed Circuit TV equipment installed at the police department and stated he filed a complaint with the Dept. of Community Affairs for the contractor being unlicensed to perform that work.

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Mr. Ursin informed Mr. Crum that the Council doesn't issue the permit, the building department does. The Building Official reviewed and issued the appropriate permit.

Mr. Crum was suspicious about the Chief's computer crash and missing specifications for the quote.

Mr. Wolak explained that since this issue developed the Borough has been tracking the issue. There was in fact a crash of the computer and the information was just recovered from the hard drive. They were not able to produce the specs when Mr. Crum originally requested them but the Chief will be happy to supply them under OPRA now that they have been recovered. Mr. Wolak explained that three quotes, including one from Mr. Crum were solicited by the Borough for the CCTV System. Mr. Crum was not the low quote and did not receive the contract. Regardless of who performed the work and whether licensed or not, an independent electrical inspector looked at the work performed and all work was approved. The Borough has complied with all of your requests to the best of our ability. Some have not been produced because your requests did not request documents as per Open Public Records Act. Any complaints are now between the state agency and the contractor. The state will impose any sanctions not the Borough.

Mr. Ursin stated he has personally been responding to all of Mr. Crum's OPRA requests and was supplied with every document he asked for.

Mr. Crum complained except for when it was ambiguous or vague. When I say all records that means I want everything.

Mr. Ursin answered that Mr. Crum has been getting a lot of documents and if he understands the request, he made sure the documents were supplied from the town.

Jim Marino, 4 Hilltop Lane asked about the time frame for the Historical Society ground lease, the bonds on tonight's agenda, the total giveback of the Police Chief, the budget rate and the CAP waiver.

Mr. Kulsar said the Edison Schoolhouse completion of September 1st was unrealistic. It will be asked that the lease be extended to December 31st to get a CO.

Mr. Marino said to do a control burn on the building and sell the property.

Mr. Wolak explained that these are not new bonds; it is the same bond that is being reissued. The total for the FOP and Chiefs give back was a total of \$9,600.

Mr. Rome explained that the Borough will get the tax rate once they hear from the State and the total budget was a \$23,000 decrease over last years. The Mayor said the waiver was \$560,000.

Anita Taylor asked about the DPW on furlough during the snow and Mr. Wolak said that they will institute a different furlough day.

Susan Gardell of LaRue Street asked how many apartments were discovered and how many COH's are valid. She recommended yearly inspections of rental property and post the list of approved apartments on the website.

Mayor Crowley stated that it was unknown at this time and Mr. Wolak said that they are working on changing the code to include rental inspections and will institute a new program. The Mayor said that zoning and health or fire violations will be followed up whether or not they were inspected.

Mr. Inga, Fire Marshall added that the stores and common areas of apartments will be inspected but apartments will not.

Kevin Lermond of 44 Taylor Road asked about the estimated taxes and mentioned that residents were not protected because it screwed up the escrow system raising the mortgages. He also asked who is responsible for those short paying taxes.

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Mr. Wolak explained that the taxpayers are still responsible to pay the taxes of the schools and county so a cash flow is required. Mr. Rome explained that all billing, all cancellations and any levies are recommended by the tax collector and approved by the Council. He added that the estimated rate is as close as possible.

Mary Harrington of Taylor Road asked why the Council did not give an extension on the tax bills and felt the Council was taking money from residents that they need.

Mayor Crowley explained estimated taxes were done the last few years and the Council felt that was the best way.

Mr. Limon explained that the Borough needed cash flow to pay the bills.

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. Snyder. All were in favor.

OLD BUSINESS

There was no old business.

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. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Stoll

Nays: None Absent: Zschack Abstentions: Snyder

Public Hearing on 2010 Budget Amendments

Mr. Snyder motioned to adopt the 2010 Budget Amendments. Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding the 2010 Budget Amendments. The Borough Auditor, Tom Ferry and CFO, Grant Rome was present to answer questions. Mr. Wolak said that all the amendments are included. This will set the final number before adoption. Mr. Rome added that there was a reduction of three cents from introduced rate. About \$150,000 was cut from the tax levy of the introduced rate.

Mr. Marino mentioned that the 86 cents was new and wanted to know what it was last year. Mr. Rome said in 2009 it was double the amount because of the revaluation. In five weeks bills will go out at 2.51 or 2.50.

April Good asked Mr. Rome how did the budget go down and the taxes go up? He explained that the loss revenues which include state aid and revenues made the amount go up.

Mr. Giordano asked if garbage was in the budget. Mr. Wolak replied yes it is. Mr. Giordano spoke of the website that Appraisal Systems has and how useful it is for the property owners. He expressed his concerns for the following years. He added that the garbage should not be pushed off to the Board of Public Works, so that the Council can point the finger at the Board.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

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Resolution Adopting the 2010 Budget

Mr. Limon motioned to adopt the Municipal Budget for 2010. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, and Stoll.

Nays: None Absent: Zschack Abstentions: None

Adoption Ordinance #6-2010 Authorizing Re-Executing Historical Society Ground Lease

Mr. Snyder motioned to adopt an ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF FRANKLIN AUTHORIZING RE-EXECUTION OF A GROUND LEASE WITH THE FRANKLIN HISTORICAL SOCIETY". Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #6-2010.

Attorney Ursin explained that the lease was void because of the conflict of interest with a prior Councilman. The vote will extend the lease until September 1st, the lease will be legal and the borough will have the option to vote on a lease which can be extended in the future.

Mr. Kulsar discussed that the Historical Society needed more time to receive pledges and make improvements. He suggested extending it until December 31st.

Ms. Miller asked what improvements the Council can expect by September 1st and how much money do they need. She also asked how long has the church been there without improvements.

Mr. Kulsar said \$100,000 and will make improvements to exterior and interior.

Mr. Wolak said that the church has been there three years.

The Council discussed that some were against the location.

The attorney said that this is a two step process, reauthorizing the lease and do you give an extension.

Mr. Snyder said that he was not against the project, but he was not in favor of the location.

Michael Stender of Church Street said that the building is part of Franklin's history. He asked to give them time and to be part of the solution, not the problem. He said they put a lot of effort into the project.

Mr. Stoll said that the property was valued at \$379,000.

Ms. Miller stated that the building is not placed in the proper location and it is larger.

Mr. Marino asked if the Historical Society can sell the property.

The Attorney said they cannot sell the property. The property is owned by the borough.

Mr. Marino said that the Fire Department could burn it down and then sell the property.

Anita Taylor asked to give them more time so the Borough doesn't have to spend money to demolish the building. Maybe they will receive donations to complete it.

Rachel Heath said she remembers when they voted on it and there was a conflict of interest, we are losing sight of it. Now this Council has to deal with it. She recommended doing as the Attorney says.

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Dennis Harrington of Taylor Road said that the people involved should be commended; a lot of time and effort have been used. He reminded the Council that the old Council said it would not cost the taxpayers. He asked to extend to December 31st as a drop dead date.

Sharon Schultz of Main Street asked if they were paying taxes.

Mayor Crowley explained that the property is owned by the borough, the lease is \$1.00 a year and they are not bringing in money.

Mr. Kulsar said he will ask the Historical Society to be at a Council meeting to discuss this. He said that he was told the lot was a non confirming lot and would not get the value.

Ms. Miller asked about the status of the lawsuit filed by a worker on the site.

Mayor Crowley said that the insurance handled it. Mr. Wolak added that he Borough has been removed from suit.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller

Nays: Snyder, Stoll Absent: Zschack Abstentions: None

Mr. Kulsar requested that the extension be put on the agenda for the next meeting.

Adoption Ordinance #8-2010 Salaries of Officers and Employees

Mr. Snyder motioned to adopt an ordinance entitled "ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2010". Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #8-2010.

Mr. Marino asked what the percentage increases were for the salaries. The Mayor replied that they are not increasing salaries; these are salaries that are in place now.

Dennis Harrington asked about the Fire Inspector dollar figure.

Mr. Wolak said there is no figure as the position was not filled. He added that based upon the 6 day furlough the municipal employees pay was reduced by 2.8% and technically did not get a raise in the last two years.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Adoption Ordinance #9-2010 Amending Chapter 161 Land Development

Mr. Stoll motioned to carry an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE, THE BOROUGH'S LAND DEVELOPMENT ORDINANCE". Seconded by Ms. Miller.

Mr. Ursin recommended conducting discussion, open for public hearing, but carry the vote until the September meeting for Planning Board comment.

Mayor Crowley explained that the changes were in response to the Master Plan update. He explained that the Planning Board will be discussing on Monday and the meeting is open to the public if anyone would like to attend.

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Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #9-2010.

Susan Gardell of 2 LaRue Street expressed her concerns to the amendment to auto repair services and uses. She questioned the auto repair as only conditional use in the highway commercial zone and only permitted in industrial zones. She discussed that the ordinance discourages auto repair and forces people to spend thousands of dollars for land use applications. The Mayor explained the highway commercial zone and the process. She discussed how the ordinance discourages business from coming to the Borough when we need to encourage businesses. She added that it did not include motorcycle repair and service stations could not service trucks, vans, motorcycles or recreational vehicles. She felt the definitions should be reviewed.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Resolution Authorizing Issuance of Bond Anticipation Notes

Mr. Snyder motioned to adopt a resolution authorizing the issuance of not exceeding \$1,390,875 Bond Anticipation Notes of the Borough of Franklin, in the County of Sussex, New Jersey. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Resolution Approving Submission of Municipal Alliance Grant

Mr. Snyder motioned to adopt a resolution approving the submission of an application for a Municipal Alliance Grant of \$12,474.00 for the calendar year 2011 by the Franklin/Hardyston Alliance Coalition. Seconded by Mr. Stoll.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, and Stoll.

Nays: None Absent: Zschack Abstentions: None

Resolution Selecting "Outstanding Older American"

Mr. Snyder motion is in order to adopt a resolution selecting an Outstanding Older American for the Borough of Franklin. The Senior of the Year will be announced to the public on Sunday, August 22, 2010 at the Annual Senior Picnic at noon. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll.

Nays: None Absent: Zschack Abstentions: None

Resolution Amending Agreement for Chief of Police

Mr. Snyder motioned to approve the amendment to the agreement from the Chief of Police which gives back 1 ½% of base salary for the period of July 2010 through December 2010, in lieu of unpaid furlough days. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Resolution Approving FOP Lodge #57 Memorandum of Agreement

Mr. Snyder motioned to approve the Memorandum of Agreement from Fraternal Order of Police Franklin/Ogdensburg Lodge #57 which gives back 1 ½% of the 2010 base

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salary towards medical benefits for the period of July 1, 2010 through December 31, 2010, in lieu of unpaid furlough days. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Approval Shared Service Agreement for Fire Marshall

Mr. Snyder motioned to approve the Shared Service Agreement between the County of Sussex and the Borough of Franklin for Fire Marshall for 2010. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder

Nays: None Absent: Zschack Abstentions: Stoll

Introduction Ordinance # 10-2010 Fire Inspection Fees

Mr. Kulsar motioned to introduce an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO AMEND CHAPTER 119 "FEES" OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING FIRE INSPECTION FEES". Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Final Reading is September 14, 2010.

Resolution Approving DOT Grant for Reconstruction of Master Street

Mr. Kulsar motioned to adopt a resolution approving the submission of a grant application and execution of a grant contract with the New Jersey Department of Transportation for the Reconstruction of Master Street. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Resolution Approving DOT Grant for Reconstruction of Green Street

Mr. Kulsar motioned to adopt a resolution approving the submission of a grant application and execution of a grant contract with the New Jersey Department of Transportation for the Reconstruction of Green Street. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

Appointment Substitute Crossing Guard

Mr. Kulsar motioned to appoint Rose Breidenstein as Substitute Crossing Guard effective August 23, 2010, at the rate of \$13.15, as recommended by Head Crossing Guard Darlene Tremont. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack 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 at 9:39 pm to discuss personnel matters. Motion seconded by Ms. Miller.

Upon roll call vote:

Ayes: Kulsar, Limon, Miller, Snyder, Stoll

Nays: None Absent: Zschack Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:01pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

There was a brief discussion on which Council and Employees were to attend the New Jersey League of Municipalities Convention in Atlantic City. It was discussed that Mr. Stoll, Mr. Snyder, the Mayor, Mr. Wolak and possibly Mr. Limon will be in attendance. The Mayor asked if there was any objection to Jim Kilduff attending. No one objected.

Mayor Crowley stated that the volunteers did not receive invitations to the picnic.

Mr. Limon thought it was only for seniors.

Mr. Snyder mentioned that the picnic had changed through the years.

Mayor Crowley stated that the Tool Kit from Trenton will have an impact on people retiring and it will force many to retire.

Mr. Wolak said that existing employees can retire at 55 and max's the sick day payout to fifteen thousand dollars.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 10:04 pm, seconded by Mr. Stoll. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.