

**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
SEPTEMBER 12, 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, 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."

PRESENTATIONS

Jim Kilduff and Ken Nelson discussed the proposal for planning services for the Borough.

Mr. Nelson stated the ADHOC Committee report recommended five areas for redevelopment. The study needed to see if the areas met the state requirements. The Planning Board said that the five areas were worthy of redevelopment. He added that he did projects in Morristown and Wood-Ridge. He discussed how complicated the redevelopment process is and believes the figure he has come up with is reasonable in this economical time. Some properties do not need to meet all criteria to qualify. The properties discussed were the Zinc Mine Property and related areas, Main Street core area. Route 23/Hardyston School, Hospital Zone and related properties, Route 23/High Street. He discussed the figures on page five and believes it will take a fair amount of work which will entail many hours. He recommended doing phases with two to three areas in a phase. He said it would be about a year and a half for most of the studies to be completed. The Main Street area would be in a rehabilitation area not redevelopment.

Mr. Wolak questioned the figures.

Mr. Limon asked what the difference is of redevelopment and rehabilitation is? Mr. Nelson said redevelopment a township could use the power of eminent domain and in rehabilitation they cannot.

Mr. Zschack mentioned that he only wanted to pick two areas to focus on. The Planning Board wanted all five.

Ms. Miller asked what time span is needed to move forward. Mr. Nelson replied "once designated it remains as a designated area, unless the governing body changes the areas." Ms. Miller asked how many projects has Mr. Nelson completed? Mr. Nelson replied "three areas in Morristown and in Wood-Ridge, one area." He completed six projects. She asked if one site looked better than the other. Mr. Nelson said the Zinc Mine area and the area on Route 23 looked good.

Mayor Crowley opened the meeting to the public for questions on the Re-Development issue.

Ms. Tatka said that the two examples were from money towns. She thought that Mr. Zschack was right, how can we take on five areas. Mayor Crowley said that they were not sure if all these areas could be designated. They could decide to go forward. She asked if they were approving the \$21,000.00 for the study. Mayor Crowley said yes, and they do have money aside.

Mr. Alfonso Caliendo felt that it was all just talk. The only upgrade he has seen on Main Street is his taxes going up.

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Mr. Nick Giordano asked who gives the fair market value. He was concerned about using eminent domain and how it is used in back room deals. He stated that if there are any new developments there will be a need for a new school. He spoke of the senior housing where there is only one person over 55.

Ms. Susan Gardell is against all the studies in all five areas. She agreed with Mr. Zschack. She is also concerned with redevelopment. She believes that the studies will just sit on the shelf. She does not want to send business the wrong message.

Mr. Kulsar asked where the \$21,000.00 is available. Mr. Wolak stated from the Grant property sale which is \$193,000.00.

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):

None

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

Building Department Report for September 2010.
Tax Collectors Report for September 2010.
Police Department Report for September 2010.
Court Report for September 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of October 12, 2010.

Mr. Limon made a motion to approve the consent agenda of October 12, 2010. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

COMMITTEE REPORTS

Mr. Snyder reported that they are going through the forty seven resumes for the Administrators position.

Mr. Limon reported the Halloween parade is October 31st and starts at Main Street and it ends at the Fire House.

Mr. Stoll reported that the weather delayed the work on the wall at Main and High Streets. They will be working on the Senior Center sidewalks.

Mr. Wolak's report in on file in the Clerk's office. He reported that the Highlands approved \$17,381.44 for the 1st grant and \$12,608.67 for the 2nd grant. He would like to hire two crossing guards for the dog census since it has not been done in many years. The back up well is being drilled another 100 feet which will start next week. He requested executive session for employee retirement, litigation and convention. Mr. Snyder asked if the crossing guards were for forty hours a week. Mr. Wolak said five to six hours a day for approximately two weeks.

Mayor Crowley thanked the Girl Scouts for hanging the ribbons for Breast Cancer Awareness.

OPEN PUBLIC SESSION

Mr. Snyder 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 discussed that the dog census might have to be done in the evening because a lot of people work during the day. She asked what the starting salary is for the Administrator position. She asked why we are not eligible for transitional aid. Mayor Crowley said that the aid comes with strings attached where the state gets involved with the financial aspects. She stated that the Deputy Court Administrator got a raise from \$12.80 to \$15.00 an hour which is more than 17%. Mayor Crowley said that it was decided by the Council. Mr. Wolak added that a request came from the judge to keep a valuable employee. She wanted to know if the Sparta sewer line has a meter and does it run through Hamburg? Mayor Crowley said that readings are done before it enters Franklin and after.

Mike Krupa of 124 Main Street asked about the spraying of vegetation killer on the corner of Main Street and High Street. Mr. Wolak said that the Borough owns that area but the Boy Scouts sprayed. The Borough will landscape after the wall is repaired.

Sharon Schultz of 51 Main Street asked about the redevelopment on Main Street. Mayor Crowley explained only the mine area and certain other areas are being looked into.

Rachael Heath of 7 Hemlock objected to the furlough days before a holiday. Mayor Crowley said that the Council was trying to be nice to the employees because they are taking the employees pay away. She asked about property maintenance ordinance and who is doing the inspections. Attorney Ursin said that the Code Enforcement Officer will be appointed by the Council by resolution. She stated that part time employees do not get sick, vacation or snow days. She asked about the senior housing and the income requirement adding that some people who applied for the housing and were told their income is too low. They were told the income was \$1300.00 a month. Mr. Wolak said that they tried to give residents priority, because of federal funds there were only so many allowed with low incomes.

Susan Gardell of 2 Larue Street asked if the report for the AD Hoc committee could be online. She questioned the limit of dogs and cats and the feeding of feral cats in the Dog and Cat Ordinance. The Clerk stated that the limit is found in the definition. The attorney discussed that the ordinance makes reference to feeding unlicensed cats. She asked about the International Property Maintenance Code. The attorney said it covers everything for property maintenance and the majority of towns use it. Mr. Wolak said that she can print it off the internet. She asked if there are fees for it and Mr. Wolak said no fees. She asked what constitutes a property maintenance board. She felt that the code enforcement officer being on the board is a conflict. The attorney does not feel it is a conflict of interest. She questioned 205-4 subsection J. The attorney said that it references safety issues. Mr. Zschack said for the health, safety and welfare of the public.

Mr. Alfonso Caliendo of Main Street questioned employees making long distance phone calls in a town. Mayor Crowley said that they look at the records regularly. Mr. Wolak said that the police department makes the majority of long distance calls.

Nick Giordano asked about property maintenance inspections. Mayor Crowley informed him that only yearly inspections are done on rental properties. He asked about the dog census and if there was amnesty on late charges. The existing ordinance calls for late fees and it is on the calendar several times. Mayor Crowley said the only new part added to the ordinance is for feeding unlicensed cats.

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

Ms. Miller asked about the information she requested for the trees. The attorney will get her the information.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on September 28, 2010. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #11-2010 Funding \$42,000 for Improvements

Mr. Snyder motioned to adopt an ordinance "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$42,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING IMPROVEMENTS TO MUNICIPAL BUILDINGS AND GROUNDS BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Seconded by Mr. Limon.

Mr. Wolak stated that the grant is for energy improvements. We will be reimbursed \$20,000.00 through a CBDG grant. The Borough will get \$109,000.00 of improvements for \$21,000.00.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #11-2010.

Rachel Heath asked about the improvements. Mr. Wolak said that it is for the improvements for energy. The energy savings will be for air conditioning units and etc.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #13-2010 Modifying Solid Waste and Recycling

Mr. Snyder motioned to adopt an ordinance entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY TO MODIFY THE CODE OF THE BOROUGH OF FRANKLIN REGARDING SOLID WASTE AND RECYCLING". Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #13-2010.

A resident asked who to call for violations. Mayor Crowley told her to call Borough Hall.

Ms. Heath asked if apartments were considered residential units. The Attorney said yes. She asked if commercial with more than 3 cans was enforced. Mr. Wolak said yes.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #14-2010 Modifying Chapter 86 Dogs & Cats

Mr. Snyder motioned to introduce an ordinance entitled "AN ORDINANCE TO MODIFY CHAPTER 86 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING DOGS AND CATS". Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final hearing will be held October 26, 2010.

Resolution Authorizing Tax Collector to Cancel Taxes

Mr. Snyder motioned to adopt a resolution authorizing the tax collector to cancel taxes on Block 5 Lot 2B1, Block 14 Lot 13.04 and Block 48 Lot 1 for a total of \$3,223.70 for all parcels. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution Approving Place to Place Liquor License Transfer

Ms. Miller motioned to adopt a resolution approving the Place to Place Liquor License Transfer for Franklin 897, LLC trading as ShopRite Wines and Spirits of Franklin from 170 Route 23 to their new location at 100 Route 23 effective January 3, 2011. Seconded by Mr. Stoll.

The Clerk stated that that no objections were received, the application was complete and was properly advertised.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 15-2010 Property Maintenance

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE TO REPLACE CHAPTER 205 OF THE CODE OF THE BOROUGH OF FRANKLIN REGARDING PROPERTY MAINTENANCE". Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Final Hearing will be October 26, 2010.

Approval of \$21,000 Re-Development Surveys

Ms. Miller motioned to approve the Redevelopment Surveys at cost of \$21,000.00. Seconded by Mr. Limon.

Mr. Snyder said that all five areas do not need to be done. He is not in favor of areas C & D. Mayor Crowley said that this is not a commitment to go with all of the areas. Mr. Snyder asked if we can go back at a later date as he is worried about the expense. Mayor Crowley said we could save money and developers are interested in redevelopment.

Mr. Stoll said we are saving money by doing all five.

Mr. Zschack said the planning board would like to have them all looked at.

Upon roll call vote:

Ayes: Limon, Stoll

Nays: Kulsar, Miller, Snyder, Zschack Absent: None Abstentions: None

Ms. Miller stated she would like to start cleaning up Main Street. Start with the cats and the landlords. Mr. Wolak would like to have the Council submit ideas and areas to him. The attorney advised that the Council only email Mr. Wolak.

Approval of Sussex County Contract for Ice Control Materials

Ms. Miller motioned to accept the Sussex County Bid Contract for Ice Control Materials (Salt and Grits). Seconded by Mr. Limon.

Last year it was \$74.00 a ton and this year \$55.00 a ton.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval to Hire and Conduct Dog Census

Ms. Miller motioned to approve hiring two Crossing Guards at their current rate to conduct a Dog Census. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Zschack made a motion to adjourn into closed executive session at 8:57pm to discuss Miners Cove legal matter and employee retirement. Seconded by Ms. Miller.

Mr. Wolak withdrew his request to discuss conventions when informed it was not allowed to be discussed in executive session.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:21 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mayor Crowley informed the Council that Finance will not issue checks for the convention unless they ask Mr. Wolak or Mr. Rome.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:22 pm, seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.