

**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  
OCTOBER 26, 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."

**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):

Meeting Notice from Wallkill Valley Regional High School on November 3, 2010 and November 10, 2010.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

None filed.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

None filed.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of October 26, 2010.

Mr. Wolak informed the Council that PO15189 has been removed from the bill list as it was previously paid by the First Aid Squad.

Mr. Limon made a motion to approve the consent agenda of October 26, 2010 with changes. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**COMMITTEE REPORTS**

Mr. Stoll reported that the wall will be started and the contractor is storing the equipment behind Borough Hall.

Mr. Limon reported that the Recreation meeting will be at 7:00pm on Wednesday. The Halloween Parade starts at 1:30 PM.

Mr. Snyder reported that the Personnel Committee are looking at resumes for the administrator position. 53 have been submitted. They will meet to rate the resumes and then hold interviews.

Attorney Ursin discussed the court session regarding Trans Banc. There was a lack of site plan and CO's. He also discussed the settlement regarding the bonding issue with Miner's Cove.

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Mr. Wolak's report in on file in the Clerk's office. He reported that the well drilling resumed. The County Fire Marshall is now our fire inspector.

Mayor Crowley cautioned the residents to watch for children on Halloween.

**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.

Mr. Marino asked how long the Council was going to extend the lease for the Historical Society Church. He feels it is blight on the Borough. He asked about the interviewing for the Administrator position and stated in the interest of saving money you can have a Clerk /Administrator. The budget next year will be astronomical. He believes that the Council continues to spend money.

Joanne Tatka of 151 Maple Road asked what is happening with the old dump truck. Mayor Crowley said that they will use it until it drops. She asked about the garbage survey. The Mayor said the BPW are looking at it. She said that Essex County received a grant for recycling bins. She felt that the re-development plan is a waste of taxpayer money. She questioned the Route 23/Hardyston School area and felt that the developer should be responsible and put up some money before the borough builds a road there.

Mike Kruppa of 134 Main Street stated there is a mountain of opposition against the Edison Schoolhouse/Hungarian Church. He was in favor of the project but not the location. He felt that selling the property at \$250,000.00 for improvement of the recreation fields was a good idea. Mayor Crowley said they cannot change the lease and the decision was made by the Council to extend the lease. Attorney Ursin said that requirements are set forth in the original lease.

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. Kulsar. All were in favor.

**OLD BUSINESS**

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

**NEW BUSINESS**

**Approval of Meeting Minutes**

Ms. Miller motioned to approve the meeting minutes of the Regular Meeting and Executive Session held on October 12, 2010. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Adoption Ordinance #12-2010 Authorizing Emergency Appropriation**

Ms. Miller motioned to adopt an ordinance entitled "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S. 40A:4-53 ET SEQ. TO CODIFICATION OF ORDINANCES, BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #12-2010.

Mr. Marino of 4 Hilltop Lane asked how much was appropriated. Mr. Wolak replied \$20,000.00 over five years.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Adoption Ordinance #14-2010 Modifying Chapter 86 Dogs & Cats**

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

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #14-2010.

Susan Gardell of 2 LaRue Street stated that there is no limit on cats in this ordinance.

Mike Krupa of 134 Main Street stated that an individual is putting down chemicals to purposely control the cat population.

Mr. Limon asked if they should limit cats. Attorney Ursin said that they could limit cats but at another time with another ordinance.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Approval of Contract for Deer Carcass Removal**

Ms. Miller motioned to approve the contract from Space Farms for deer carcass removal at a fee of \$40.00 for deer. Seconded by Mr. Zschack.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Mortgage Discharge Block 41 Lot 16.01**

Ms. Miller motioned to approve the Discharge of Mortgage for Ila Kosminsky of 18 Fowler Street also known as Block 41 Lot 16.01 in the amount of \$10,000.00. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution Supporting Over The Limit Under Arrest**

Ms. Miller motioned to adopt a resolution supporting the "Over the Limit Under Arrest 2010 Year End Statewide Crackdown". Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Introduction Ordinance #16-2010 Replacing Chapter 124**

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY REPLACING CHAPTER 124 OF THE CODE OF THE BOROUGH OF FRANKLIN PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE." Seconded by Mr. Snyder.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

The final hearing is November 9, 2010.

**Introduction Ordinance #17-2010 Funding General Capital Purchases**

Ms. Miller motioned to introduce an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$70,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS GENERAL CAPITAL PURCHASES OR PURPOSES BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

The final hearing is November 9, 2010.

**Adoption Ordinance 15-2010 Property Maintenance**

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

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #15-2010.

Attorney Ursin discussed that it gives permission for officials to enter into private homes, if there is a need to enter a warrant would be required.

David Fernally of 59 Liberty Lane stated that the people are concerned when the Borough needs access, as written in the code for inspections. The Mayor said that the Zoning Officer, Police and Board of Health would have to ask for access if not visible from the street.

Cara Overstreet of 15 Highpoint Circle commented that she spent \$10,000.00 to have home approved as multifamily. It was not approved but she was allowed to keep a stove in the basement. She stated that Ms. Fischer demanded entry and demanded to see where she slept. She asked if the Maintenance Board would be a paid position. The Mayor said no he also informed Ms. Overstreet that she could contact the Administrator during business hours with her complaint.

Jim Marino of 4 Hilltop Lane said that the verbiage was not necessary; there already are state and federal laws.

David Morgan of 150 Main Street stated he works on his vehicle and the new ordinance says he can't. He stated he did not buy in a gated community.

Beverly Shearstone of Sterling Street said that they collect classic cars. She felt that the ordinance is against their rights.

Rich Rockle of Nester Street would like to put in a woodstove, but you cannot have smoke. He suggested permits for working on cars from the Zoning Officer.

Karen Folkerts of 113 Main Street was concerned that the freedom was being taken away. They are telling residents how to live.

Mr. Krupa asked how many of the Council have read the ICC Code. He asked if this was 1937 Germany. They need to read the document before they vote.

Rich Weekes of 46 Scott Road read section Z and stated he has a shop in his backyard. The ordinance should be revised.

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Debra Sharlow of 60 High Street said that her son's vehicle is tarped and her child has seizures and will not put a lock on the bedroom door.

Mike Raperto of Main Street said just because other towns have this ordinance doesn't mean we need it. He said to have your own ordinance and to define abandoned.

Joe of John Wilton Street asked the Council to explain to his 6 year old why he cannot help rebuild a car. It needs to be defined better.

Susan Gardell of 2 LaRue Street said that the International Property Maintenance Code is copyrighted and cannot be copied or put on the web. Most towns do not adopt the IPMC in its entirety.

Mike Wylie of 52 Sterling Street said that his concern is cars. He does not like not being able to work on his car. Can inspectors come on my property? Attorney Ursin said that they can knock on the door unless a no trespassing sign posted.

Nick Giordano of 42 Mabie Street asked to stop band aid ordinances written by other people, we need to write our own. He asked that sections J, Z and AA be removed. He asked who decides what is repaired or disassembled? He asked that the ordinance be tabled or deleted.

Upon roll call vote:

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

Ayes: None Absent: None Abstentions: None

At this time Mayor Crowley called a five minute recess.

Re- Introduce All Redevelopment Surveys

Mayor Crowley discussed that the Planning Board recommends all five areas: Zinc Mine, Main Street, High Street/Route 23, Hospital/Route 23 and Hardyston/Route 23.

The Planner Ken Nelson explained the redevelopment and rehabilitation areas. He said that eminent domain can be used for redevelopment but not for rehabilitation areas.

Mayor Crowley stated he would like to see all areas done at once or do numbers four and five.

Mr. Stoll would like to see all five as the Planning Board recommended.

Mr. Limon was in support of all five.

Mr. Kulsar discussed that he thought it was decided at the last meeting that it was voted down. He asked if they keep bringing back items until it passes. The Attorney said that they can reintroduce items.

Mr. Zschack said he was the only one on the Planning Board who was against all five. He believes it would be a savings to do just one and not all five.

Mr. Limon said that if someone is waiting in the wings we should go with all five.

Mr. Stoll said that we have a developer who wants to do all five and the hospital area. He said the big box store was approved and we need ratables.

Mr. Snyder rethought it and has looked at the areas, he would like all five areas.

Ms. Miller stated she went on a site walk with the Mayor and Mr. Kilduff and has reconsidered.

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Mr. Stoll motioned to approve the redevelopment studies for all five areas, at a cost not to exceed \$18,900.00. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Limon, Miller, Snyder, Stoll

Nays: Kulsar, Zschack Absent: None 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 9:22 pm to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Zschack.

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 9:40 pm and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Mayor Crowley informed the Council that employee contracts will end December 31, 2010.

Ms. Miller questioned Attorney Ursin regarding how many cats could be limited. He said it would be hard to regulate because cats roam. The Mayor said that the Health Department would be responsible for over population of cats within a home.

Attorney Ursin will forward a revised property maintenance ordinance to the Council on Wednesday.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Stoll made a motion to adjourn the meeting at 9:44 pm, seconded by Mr. Limon. All were in favor.

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Paul B. Crowley, Mayor

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Patricia Leasure, R.M.C.