

**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
JANUARY 25, 2011**

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. Giordano, Mr. Kulsar, Ms. Miller, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Ms. Gardell

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. Resolution from Green Township urging NJ Senate to pass Senate Bill 2174.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Department Report for December 2010
2. Court Report for December 2010
3. Construction Department Report for December 2010

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 25, 2011.

Mr. Snyder made a motion to approve the consent agenda of January 25, 2011 with the exception of PO # 15622, check # 34763 which will be discussed separately. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Kulsar, Miller, Snyder, Zschack
Nays: None Absent: Gardell Abstentions: None

Ms. Gardell joined the meeting at 7:08 PM.

Approval of PO 15622

Mr. Snyder reminded the Council that the stipend for the fire department was addressed years ago and it was changed to a clothing allowance for each member. He wanted the PO to reflect the clothing allowance.

Mr. Ursin reminded the Council that members of the Fire Department should abstain from voting.

Mr. Zschack made a motion to approve PO 15622, check #34763 in the amount of \$5000.00 to the Franklin Fire Department for a clothing allowance. Ms. Miller seconded the motion.

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Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Zschack

Nays: None Absent: None Abstentions: Snyder

COMMITTEE REPORTS

Ms. Gardell reported that there will be a Board of Public Works meeting on Thursday, January 27, 2011 at 7:00 PM to discuss the Garbage Contract.

Mr. Giordano reported he will be attending his first Recreation Meeting tomorrow.

Ms. Miller requested an executive session to discuss personnel.

Mr. Zschack reported that next week he will be discussing the budget with the department heads.

Mr. Kilduff gave his Administrators Report which is on file in the Borough Clerk's Office. He reported on the road salt usage, Energy Grant, and the FOP Agreement on tonight's agenda. He requested an executive session for personnel and contracts.

Mayor Crowley reported that the Neighborhood Watch kickoff was well received with about 135 people attending. Neighborhood Watch signs are being ordered to be put up around town. Mayor Crowley informed the public that he reviewed the ordinance on ice skating on the pond and its states skating is allowed only when designated as safe by town; however, the town procedure is not to designate ice as being safe. The Mayor asked Mr. Giordano to ask Recreation if they want to look into changing the ordinance to allow skating at your own risk. Mayor Crowley announced that information regarding resumes received for the administrator's position was confidential and will not be discussed.

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. Giordano. All were in favor.

Elaine Karpowicz of 161 Main Street informed the Council that she was issued a summons for not shoveling snow from the sidewalks. She said some people on Main Street were issued summons and that others were not. She asked why the town plowed the sidewalk for some on Buckwheat Road.

Ed Allen of Jenkins Road informed the Council that in the past the Water Department was responsible for shoveling out fire hydrants. He stated that he drove around town and none of the hydrants were dug out. He also asked why the walkway on the viaduct was not cleared.

Joanne Tatka of 151 Maple Road questioned why a Committee was setup to review the administrator's resumes but their advice and recommendations were not taken. Mayor Crowley stated he chose from the list of five names given by the Committee.

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

OLD BUSINESS

Mr. Kulsar questioned if letters or warnings were sent to residents before summonses were issued. If not, he felt there were friendlier ways to deal with snow removal from sidewalks.

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Mr. Giordano felt if there was any way to rescind the summonses we should, this is not what a friendly town does to its residents.

Mr. Snyder commented that there are still sidewalks that were not shoveled. He felt first time offenders should be warned.

Mr. Zschack questioned why some sidewalks are plowed by the town?

Mr. Kulsar answered that the Buckwheat Road sidewalks were plowed for the children walking from school.

NEW BUSINESS

Approval of Meeting Minutes

Ms. Miller made a motion to approve the meeting minutes of the Reorganization Meeting held on January 4, 2011. Mr. Zschack seconded the motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Ms. Miller made a motion to approve the meeting minutes of the Regular Meeting held on January 11, 2011. Mr. Snyder seconded the motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Adoption Ordinance #1-1011 Exempting Residency Requirements

Ms. Miller made a motion to adopt an ordinance entitled "AN ORDINANCE EXEMPTING BOROUGH ADMINISTRATOR FROM THE RESIDENCY REQUIREMENT SET FORTH IN N.J.S.A 40A:60-6. Mr. Snyder seconded the motion.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #1-2011.

Michael Krupa of 134 Main Street questioned what the reasoning was behind this ordinance.

Mayor Crowley explained that out of 50+ resumes only 4 were residents and felt it would be better to take the residency requirement out in order to choose the right person for the position.

Table Ordinance #2-2011 Amending Chapter 218 Signs

Mayor Crowley announced that in order for the Planning Board to review the ordinance the final hearing must be tabled until February 22, 2011.

Mr. Zschack made a motion to table the final hearing of the ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 218 OF THE CODE OF THE BOROUGH OF FRANKLIN ENTITLED "SIGNS" AND AMENDING CHAPTER 161, "LAND DEVELOPMENT" until February 22, 2011. Mr. Giordano seconded the motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

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Introduction Ordinance #3-2011 Amending Chapter 56-1

Mr. Zschack made a motion to introduce an entitled "AN ORDINANCE ESTABLISHING A POLICY OF NO RESIDENCY REQUIREMENT IN HIRING EMPLOYEES AND MODIFYING SECTION 56-1 OF CODE OF THE BOROUGH OF FRANKLIN". Mr. Snyder seconded the motion.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Final hearing will be held on February 8, 2011.

Franklin Borough Website

A discussion was held regarding updating the Franklin Borough Website. Mr. Kilduff explained to the Council that due to time constraints Mrs. Leasure will no longer be maintaining the Borough's Website. Mr. Kilduff informed the Council he spoke to the Manager of Hardyston Township regarding their recent update of their website and will speak to the web designer tomorrow. He asked the Council's opinion on updating the site and all agreed to the update.

Approval of FOP Lodge #57 Agreement

Mr. Zschack motioned to approve the memorandum of agreement between the Fraternal Order of Police Franklin/Ogdensburg Lodge #57 and the Borough of Franklin for contribution of 1.5% of each officer's base salary towards medical benefits effective January 1, 2011. Seconded by Ms. Miller.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

The Mayor asked Attorney Ursin to explain the reason why there is no curfew ordinance. The Attorney informed the Council that the court ruled curfew ordinances were unconstitutional about a decade ago. The urban areas tried all different varieties to create loitering ordinances. Towns that did not remove them were faced with class action lawsuits. He said that some towns use police powers at certain times of the year like in October.

Mr. Snyder explained that there was a multimedia bulletin put out because young people are looking for rides to residences, but when they get to the residence to be dropped off there is gang related incidents happening. He urged citizens to go the police department.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Giordano made a motion to adjourn into closed executive session at 8:04pm to discuss personnel and attorney client privilege matters. Motion seconded by Ms. Gardell.

Upon roll call vote:

Ayes: Gardell, Giordano, Kulsar, Miller, Snyder, Zschack

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:58 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

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MISCELLANEOUS COMMENTS

Mayor Crowley asked Mr. Giordano to bring the ice skating issue to recreation.

Mr. Kulsar stated that the architect will be at the Recreation meeting.

Mayor Crowley requested the personnel committee look at putting BPW and DPW together.

Mr. Zschack and his committee will check on the police cars, and patrolman exams.

Mr. Snyder mentioned that they discussed BPW and DPW before, but he believes that they should talk to Mike Gunderman first about his retirement.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:01 p.m., seconded by Ms. Miller. All were in favor.

Paul B. Crowley, Mayor

Patricia Leasure, R.M.C.