

**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 11, 2015**

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. Limon, Mr. Martinez, Mr. Snyder, Mr. Babcock, Mr. Dabinett 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."

Mayor Crowley stated he is going to change the format a little; under presentation he is going to go right to the problems with the bridge on Rte 631; we will have a discussion then open to the public about the bridge. Mayor Crowley commented he thinks everybody is aware the bridge was inspected by the State inspectors and found there is deficit underneath the bridge, it was in poor shape and they have indicated and made it known that the bridge now has a weight limited to 12 tons. The deficit of under the bridge has been confirmed by the County Engineers who also went over and inspected the bridge. The bridge is owned by the County and they are responsible for repairing it. Mayor Crowley spoke to some of the freeholders, Alison has been on the phone talking to everyone regarding this, it is on the agenda for the County Freeholders meeting tomorrow. The County is indicating what they are going to do, this bridge isn't even on their agenda to be repaired; the county is going to put it on the list and push as an emergency to the top of the list. That action is going to be discussed and hopefully action taken tomorrow at the Freeholders meeting.

Mayor Crowley commented that brings us up to the second problem; is the truck traffic going through town. The County has put up signs and Mayor Crowley explained the routes the trucks are suppose to use without going through town. There is a huge amount of truck traffic going through town especially on High Street and Main Street. The roads are not built for that type of traffic. It is tremendously unsafe to have those number of huge trucks going through, they are going to damage the roads besides not being safe for the residents to have all that truck traffic. Alison has been working with the police to come up with a solution if there is one.

Mrs. McHose commented the difficulty is apparently when there is weight restriction on a bridge we can't post detour signs so in lieu of detour signs the County has agreed to print several signs they hope will be helpful and we are working with the industrial park on CorkHill Road and the Quarry to have them identify to the drivers that come in and out what the alternate routes are going through town. The problem is many trucks that do come into town are individually owned, they are not necessarily dispatched by one place. We are doing our best. The County has offered to do a brochure or some type of flyer for the police to use when they are warning or discussing with the trucks the situation. We also have an ordinance on the books right now that does have some weight limitations on certain roads in the town but we need to update [the ordinance]. The State Police have been on alert, the County Sheriff's office is also on alert since it is a County Road. When the bridge is repaired it will be closed at that point; we don't know a duration at this time. They are approximating that it will be closed for two months. During that time we will have to redirect traffic. Mrs. McHose thanked the Police Department and the Traffic Safety Officer for being in close contact with her and we have been on the phone almost daily with the County Engineers office, the new administrator for the County was here in Borough Hall for a meeting. We are attempting to do what we can. Any

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help you can give us to spread the word and encourage traffic to go up 23 to 94 would be appreciated.

Mr. Babcock commented he lives on High Street, he sits on the front porch before he goes to work and there must be 30 trucks that pass before 7:00am. Mr. Babcock commented he has two young children, there are a lot of kids on that street; this is very dangerous and is concerned that somebody is going to get killed. Those trucks are coming up over that hill; they are not doing the speed limit something needs to be done asap.

Mr. Giordano commented he drives High Street on his way to work; there is some damage on High Street already when you come up over the hill there is a section that has sunk. Is there any way we can post that with some type of emergency restriction.

Mayor Crowley stated we are working with Tom Knutelsky to identify things like that; then we have to work with the lawyers to see what we can do legally. If you know anything about High Street you know that it is just sinking and to have that type of truck traffic is just going to ruin the road.

Mr. Giordano commented he spoke to the Chief of Police prior to this meeting when we did go and inspect the road; he did say it is damaged. I don't know if it is within his powers or the Council's powers to restrict truck traffic on that road.

Mr. Giordano asked if it was possible to discuss with the County to set up signs as simple as a truck route this is common in Bergen County. They can't go up Main Street, if they go down Evan's Street there is a bend there which is in bad shape to begin with. Soon we will have children on Corkhill Road and Evans Street. He faces those trucks everyday coming down Corkhill Road; they do travel fast and on the wrong side of the road quit often. His concern is safety.

Mr. Snyder asked about the truck route.

Mayor Crowley explained the route up 23 to 94.

Mr. Snyder commented when we had the viaduct down they had to bypass what they are doing now.

Mayor Crowley commented at that point that was the detour; whether we can legally enforce that detour now is another question.

Mr. Snyder commented we have to do something it came upon us without even knowing.

Mayor Crowley commented no one expected this and explained.

Mrs. McHose commented this was the Federal Government; they are typically scheduled every two to three years but this was behind. They came this year, the County sent their engineers to verify the information and they confirmed. Mrs. Mchose explained the findings from the County.

There was a discussion on the roads and detour, additional support from the County and concern with the Borough paving project scheduled for this year.

Mr. Giordano asked if it is within the power of the Borough Government to create a truck route like they have in Bergen County.

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Mr. Ursin commented the way your ordinance is now you have weight limitations on certain streets.

Mr. Giordano asked can we just add signs to the road.

Mayor Crowley commented you need an ordinance.

Mr. Ursin commented you can put the signs up but there is no ordinance to enforce; if you put up a truck route sign and somebody doesn't follow there is no ordinance that the police can write if you have a weight limitation on that road and there is a truck on that road a police officer can write a ticket for violating your ordinances with respect to motor vehicle.

Mr. Giordano commented we have a local ordinance that is a nuisance ordinance so to speak that is pretty much a catch all for stuff that is not contained in a normal ordinance a lot of types of activities. Is that type of ordinance something we can write; just put the sign up and have the officers write under the nuisance ordinance.

Mr. Ursin commented he would not encourage you to do that. It is much more direct if one of two things happen. Either you have a weight restriction on the roads and someone violates that; it is direct or there is a law enforcement person at the corner pointing this way and if someone doesn't follow that then they are not following the directions of a police officer which is a motor vehicle offense. Mr. Ursin commented he prefers and recommends that you follow one of the more direct routes that a catch all; it is hard to prosecute.

Mr. Babcock questioned the start time, on weekends it is 5:30 quarter to 6:00.

Mrs. McHose commented she is concerned about school starting; many of our children walk to school, those trucks cannot stop on a dime.

Mr. Snyder question when was the bridge first looked at.

Mrs. Mchose explained the time frame of when the Borough was noticed to the bridge closing.

Mr. Dabinett commented he lives on Corkhill he knows the truck traffic and it doesn't let up at any given time. We are all concerned about it. We have a bid packet for the road on August 13. Mr. Dabinett asked if we can conduct a special meeting to award those bids.

Mayor Crowley commented that is going to be brought up later.

Mr. Dabinett commented we can have an ordinance ready for this special meeting to get this in the works immediately.

Mayor Crowley commented if you can get something going that is fine but it still has to be introduced.

Mayor Crowley opened the meeting to the public for any concerns on the safety and truck traffic due to the weight restriction on the bridge.

Mike Coppolella, 79 High Street, Franklin, stepped forward. Mr. Coppolella commented he knows everyone is doing their best; he has even called Trenton and they responded. Mr. Coppolella explain his concerns for the school children, trucks driving on the road, his foundation, his gas line and have an ordinance on the time they start in the morning.

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Mike Gunderman, 23 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented on when High Street subsided the last time, there was a geological survey done and a report was given to downstairs that High Street is a designated unsafe area. How can we be letting trucks go through an unsafe area.

Mike Coppolella, 79 High Street, Franklin, stepped forward. Mr. Coppolella asked about a sign that was taken down.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented on the trucks going down Corkhill, as a taxpayer we invested money to pave that street it needs to be done again. Mr. Kidd commented on the trucks on Evans street and his daughter walking to school and on the condition of the corner of Evans and Main Street.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch asked about a very dangerous intersection by where Taco Bell is coming in.

Mayor Crowley explained this is open just for truck traffic, we will be opening again later.

Mayor Crowley closed the meeting to the public for any concerns on the safety and truck traffic due to the weight restriction on the bridge.

Mayor Crowley commented we will get back to you, we know what the problems are everybody agrees with it, this is a problem for the Borough.

Mr. Babcock commented with regards to the safety of High Street we are really taking no action. Something needs to be done ASAP.

There was a discussion closing the road, have Tom Knutelsky look at High Street and give a background.

COMMITTEE REPORTS

Mr. Limon commented he had a meeting with the administrator on Franklin regarding personnel there are some items we discussed.

Mayor Crowley commented they are not on the agenda this time.

Mr. Limon commented there are some items with personnel with support that she (Mrs. McHose) recommends.

Mr. Giordano commented at the last recreation meeting we went over the Mildred Harden fund, which is on tonight's agenda. They sent an attentive date for next year's Franklin Carnival we are exploring ways to have fireworks over multiple days instead of just one and we discussed the walking path and the possibility for floating docks. Mr. Giordano explained a fishing contest scheduled for around October 17.

Mr. Snyder had no report.

Mr. Babcock reported the Planning Board meeting had been cancelled [the July Meeting].

Mr. Martinez reported we are getting close to finalizing the FOP contract. The Pond area plan we laid out two years ago for improvements on the pond there were floating docks on there and there were other several items in there we would have to look at it again.

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Mr. Dabinett had nothing to report other than he will be working with Mrs. McHose regarding the ordinances.

Mr. Ursin Esq. commented items he will comment on are on the agenda. Mr. Ursin commented on a lawsuit filed against the Borough it has been referred to Risk Management and the Insurance Company. It involves the police department; from time to time he gets asked about lawsuits pending against the town. Mr. Ursin commented to his knowledge there are only two pending against the town, both have to do with police matters.

Mrs. Mchose reported most of her time has been spent on the ambulance issue. There was a meeting held at Hardyston on July 22, to discuss the future of ambulance service in that town. It was a suggestion by many in the audience to form a regional Walkkill Valley Squad. Several options were discussed.

Mrs. McHose commented our CFO secured a bid for Bond Anticipation Note. Mrs. McHose explained. TD Bank was awarded that at an interest rate of .74 percent.

Mrs. McHose commented she requested with the Chief of Police and will be talking to Councilman Martinez, public safety liaison, to consider a change in policy regarding the scheduling and coordination of overtime with the police department. We believe these changes will be in best interest of public safety and also the taxpayers as it will reduce overtime costs. As the plan develops Mrs. McHose will report back to the Council.

Mrs. McHose informed everyone of upcoming events in the Borough. Mrs. Mchose commented John Cholminski, [Planning Board Chairman] was nominated and was selected to be the recipient of the New Jersey Planning Officials Achievement and Planning Award.

Mrs. McHose explained a post card that will be mailed to inform residents of changes in the garbage time and days which will be going into effect on September 1. The biggest change will be the start time for garbage pickup. The new start time will be 7:00AM.

Mayor Crowley reported the Historical Society will be having a [Franklin] High School Reunion August 22. Mayor Crowley explained the reason behind the new start time for garbage pickup.

OPEN PUBLIC SESSION

Mr. Dabinett made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Martinez. All were in favor.

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina asked the status of the third party energy contract with Passaic COOP. Mayor Crowley explained. Mr. Durina asked if the Fire Trucks are allowed to go over the Bridge. If there is an emergency program? Mr. Durina commented in the interest of safety if it was his decision he would close High Street tonight. Mr. Durina commented on safety.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch explained her concern on the various dangerous intersection where the Taco Bell is going in and asked if there was anything in the planning stage for opening the Weis Exit to a traffic light or to make a left turn.

Mayor Crowley commented that is on the agenda for tonight. Mayor Crowley explained Weis has come forward to put a traffic light down there. Mrs. Basilwitch commented that is wonderful.

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Mayor Crowley commented that will allow traffic to go South and hopefully relieve some of the traffic that right now is all coming out by McDonalds.

Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented on a complaint he made at Borough Hall regarding pot holes up by the golf course and explained how he saw the asphalt being put down to fill the pot holes.

Rob Owens, Hamburg, stepped forward. Mr. Owens commented he had been emailing Mr. Giordano regarding the traffic light issues on Rte 23. Mr. Owen commented on traffic back up down the mountain, timing of traffic lights, trucks on High Street and other areas.

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 Mr. Martinez. All were in favor.

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. Letter dated July 21, 2015 from Andrew Thomas, Licensed Site Remediation Professional to Town Council Re: Response Action Outcome.
2. Memo dated July 20, 2015 from Robin Hough, RMC/CMR to Board of Health Re: Registrar Quarterly Report (Board of Health reports included)
3. Letter dated July 26, 2015 from Carolyn Price to Mayor and Council.
4. Letter dated July 27, 2015 from Robin Hough, RMC/CMR to Rutgers Center for Government Services Re: 54th Annual Municipal Public Information Contest.
5. Township of Byram Resolution 116-2015.
6. Lafayette Township Resolution 2015-40 declaring support for JCP&L Montville-Whippany Reinforcement Project.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Shelter/Pound Annual Report from Wantage Township for 2014.
2. Municipal Court Report for June, 2015.
3. Tax Department Report for July, 2015.
4. Health Department Report for June, 2015.
5. Police Department Report for July, 2015.
6. Construction Department Report for July, 2015.
7. COH Report for July, 2015.
8. Construction Permit Activity Report for July, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending Machine License application for Redbox automated Retail, LLC machines located at 230 State Route 23 (Wal-Mart).

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 11, 2015.

Mr. Limon made a motion to approve the consent agenda of August 11, 2015. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Babcock commented he thinks we should close that road [High Street].

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Mayor Crowley commented the question is the legality of it.

Mr. Martinez commented if we deem it as a hazard from a police prospective can we close it as an emergency is that legal. If so why can't we close it now.

Mr. Ursin stated you can close roads two different ways. The Council certainly has the power to close local roads, it is your jurisdiction you can do it. The police always on an emergency bases have the power to temporarily close roads divert traffic in interest of public safety. Mr. Ursin commented he has heard a couple Council people say that he would strongly consider getting input from your Engineer and the Council has to take into account whether the delay from getting that input from the Engineer becomes a public safety issue. That's your purgative to decide by the one thing that he would impart you with is when you close it, you are closing it for a reason. If you are closing it because it is unsafe to a vehicle of a certain size you have to think about that when you reopen it. It could be a certain amount of truck traffic right now that is a nuisance. So if you close it for a reason or with restrictions you should think carefully about what that criteria is from the engineer because it will play a part when you reopen the road.

Mr. Martinez commented given the engineer will be out here on Thursday we will have an input from the engineer as far as the weight restrictions. Right now High Street doesn't have any weight restrictions from what he is hearing. At that point in time we can then start the ordinance put weight restrictions on that road knowing the history of High Street.

Mr. Ursin commented yes.

Mr. Martinez made a motion to close High Street because of this being unsafe at this point in time and then we can start the ordinance, put the weight restrictions on that road knowing the history of High Street.

Mr. Ursin commented yes.

Mr. Martinez made a motion to close High Street at this point in time and then look into an ordinance in the near future to make a weight of trucks.

Mr. Giordano commented he is in agreement with adding Evans Street for local deliveries only.

Mr. Martinez commented he would be very agreeable to adding Evans Street.

Mr. Giordano seconded the motion.

Mr. Dabinett commented what part of High Street are you going to close lets be specific and are we going to close it to all traffic.

Mr. Giordano commented we just closed the road for no [truck] traffic except for local deliveries for example if someone needs propane. Mr. Giordano commented he would say we close High Street to Rutherford Ave.

Mr. Ursin commented he isn't encouraging you to close it, but if you are going to close it you have no factual basis right now to be making distinctions about exempting certain kinds of traffic, local deliveries any of that, if it needs to be closed it needs to be closed. What he is saying when you take these kinds of actions and you are in a difficult position, because sitting up here you don't have the input from your engineer. But if it is not safe for one type of truck don't make an exemption for

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another type of truck. You're either closing this road and getting input from the engineer; anything you do other than that you will be searching for a factual bases.

Mr. Giordano commented [can we] close it until we get input from the engineer.

Mr. Babcock commented there is also past history.

Mr. Ursin agreed; commenting the history he does not know.

Mr. Limon commented we say that but local means if somebody lives there, they have access to it.

Mr. Ursin commented if somebody lives there and you are exempting local car traffic that is one thing but if you are making a declaration that this road unsafe; which is a major thing to say for a Municipality, a major thing, it is going to impact reopening this road. Mr. Ursin commented but if you are going to say that, and that is your belief or duties as Council people; he doesn't think you can close it to truck traffic but then exempt a propane truck or an oil truck or other types of deliveries because if something happens with that truck you have nothing in front of you that says it is safe for one type of truck and not another.

Mr. Martinez asked Mr. Ursin to define what he means by major.

Mr. Ursin commented best case scenario you are going to close it temporarily he would strongly encourage you to have input from the engineer. If you were than going to reopen it he would say the same thing. If you close it because it wasn't safe for a 20 ton truck you need something from the engineer or someone competent in that regard to say it is now safe. The difference between now and then means something was done to the road.

Mr. Giordano commented honestly that road is not safe for a truck of 20 tons to be driving up and down.

Mayor Crowley commented the point is if it is not safe for a 20 ton truck it is not safe for a propane truck either.

Mr. Dabinett commented it might not be safe for a pickup truck.

Mayor Crowley commented that is right; if you are going to say it is not safe and he goes down there with his pickup truck falls into a sink hole we have a problem.

Mr. Ursin commented to be crystal clear, he doesn't know this road and this is within your power and purgative. If this is something you want to immediately address a suggestion he might make to you [the Council] is to direct the engineer come out on an emergency basis tomorrow morning and whether it is Tom or someone else from his office. If the engineer gives the opinion that a certain type of truck traffic should be diverted or a certain time of day or certain count whatever the restrictions are, the police can implement that on an emergency basis until the Council meets again. Your having a meeting shortly after the bid openings.

Mr. Dabinett commented he would like that.

Mr. Ursin commented he has heard that discussed, it may be police control of roads like this is always best if it is temporary in nature, traffic safety people and chief of police have to make those decisions on a regular basis. Mr. Ursin commented he is throwing that out as one option to you that would be some input from the engineer the Chief can decide on a temporary basis to post an emergency detour or order

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whatever it may be. That is temporary in nature and then when Council meets again which apparently will be shortly the Council can pick that up and either implement it on a longer term basis or take some other action.

Mayor Crowley comment to summarize what Mr. Ursin is saying we should have Mrs. McHose contact Mr. Knutelsky get him out here as soon as possible, to meet with the administrator, the engineer and the Chief of police, maybe his road sergeant. Make the decision if the decision is to close that road that can be done by the chief of police on a temporary/emergency basis until the Council meets again. The Council would have more input from the engineer to make a permanent decision.

Mr. Martinez commented does that require a motion for use to take that through Alison.

Mr. Giordano commented so everyone is clear the main area he is concerned with is the section between Main Street and Junction Street. When you go over the hill you can already see the damage on that road, it is already depressed. It has had a sink hole not that long ago, if we close that little section it has no effect on anybody other than they cannot make a right onto High Street from Main Street.

Mr. Martinez commented he is really concerned about the traffic especially on High Street because there are so many kids walking especially with school coming around on that road. There are blind spots going down that road and the trucks are not traveling at 35 they are going 50/60 so it is a big concern.

Mayor Crowley commented we will have Alison get in touch with Tom Knutelsky, talk to the chief and he will decide to come to some conclusion if there needs to be an emergency closure or not, and get back to the Council with some factual stuff from the engineer.

Ms. Hough commented Mr. Martinez made motion and Mr. Giordano seconded.

Mr. Ursin commented at this point the motion is not clean; you have a motion to close one street, Mr. Giordano was going to be adding a street, for housekeeping basis somebody might make a motion to table this to the next meeting it is your decision.

Mr. Martinez commented we vote it down and get Tom out there to look at that road to make a cleaner decision on our actions.

Mr. Limon commented if we have him out there why don't we have him look at Evans Street as well.

Mr. Ursin commented once a motion has been made it either has to be tabled or voted on.

Mayor Crowley commented the cleanest way would be to vote it down and be introduced when we have more information. We have a motion and a second.

Upon roll call vote:

Ayes: Limon, Babcock,

Nays: Giordano, Martinez, Snyder, Dabinett Absent: None Abstentions: None

NEW BUSINESS

Mayor Crowley commented the first one there is a typo the meeting was July 14.

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for July 14, 2015. (Absent: Babcock, Mayor Crowley) Seconded by Mr. Giordano.

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Ayes: Giordano, Limon, Martinez, Snyder, Dabinett

Nays: None Absent: None Abstentions: Babcock

Resolution 2015-66 OPRA Litigation

Mr. Snyder made a motion to adopt resolution 2015-66 approving settlement of pending OPRA litigation, plaintiff Shawn G. Hopkins, docket number SSX-L-128-5.

Seconded by Mr. Limon

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-68 renewal of 2015-2015 Liquor Licenses

Mr. Snyder made a motion to adopt resolution 2015-68 authorizing the Borough Clerk to renew the following liquor licenses for the 2015-2016 licensing term.

Seconded by Mr. Limon.

1906-33-014-005 Six Gee Corporation (Irish Cottage)

1906-33-011-005 Kozs Korner

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-69 Place to Place Transfer

Mr. Snyder made a motion to adopt resolution 2015-69 to approve the place to place transfer (Expansion of Premises) for Plenary Retail Consumption license 1906-33-014-005 Six Gee Corporation (Irish Cottage) licensed premises located at 602 Rte 23, Franklin, as delineated in the application form and the sketch of the licensed premises attached. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #8-2015 Amending Chapter 56

Mr. Snyder made a motion to adopt Ordinance #8-2015 "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 56 OF THE BOROUGH CODE ENTITLED "PERSONNEL POLICIES" TO PROVIDE FOR THE REIMBURSEMENT OF VEHICLE-RELATED TRAVEL EXPENSES, INCURRED BY OFFICERS AND EMPLOYEES CONDUCTING OFFICIAL BUSINESS, AT THE STANDARD MILEAGE RATE SET FORTH BY THE INTERNAL REVENUE SERVICE" Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #8-2015.

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina commented he didn't see anything in the ordinance about insurance. Mr. Durina gave an example regarding insurance.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Conflict Public Defender

Mr. Snyder made a motion to appoint James P. Sloan Esq. as Conflict Municipal Public Defender. Seconded by Mr. Limon.

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Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-60 Traffic Signal Agreement [Tabled from July 14, 2015 meeting]

Mr. Snyder made a motion to adopt resolution 2015-60 authorizing the Mayor and Clerk to execute the attached agreement "New Jersey Department of Transportation Bureau of Traffic Engineering Traffic Signal Agreement Route 23 and Weis Market Driveway Franklin Borough, Sussex County. Seconded by Mr. Limon.

Mr. Dabinett commented there can be no motion, this item is tabled the only thing we can do at this point is to bring this back to the table by a vote of the Council.

Mr. Ursin commented if it was tabled indefinitely or in general Mr. Dabinett is correct, to get it back on the agenda you have to take a vote to bring it off the table. If it was tabled to a specific date than it automatically appears on the agenda.

Mayor Crowley commented he was reading the minutes and believes it was table to this meeting.

Mrs. McHose commented Mr. Ursin was not here [at the last meeting] Mr. McBriar indicated then he was not able to comment on the application because he had not been privy to the hole document, she believes that is why it was tabled to this meeting because we knew Mr. Ursin would be here.

Mr. Snyder commented that is his understanding too, there was a problem with regards of the definition to a Tort Claim.

Mayor Crowley commented it was tabled to this meeting and referenced page 6 of the minutes from the last meeting.

Mr. Ursin commented these are minutes, it is a summary so he couldn't answer Mr. Dabinett's question without specifically looking/listening to the minutes. But it is not an open public meetings act issue because it did appear on the agenda for today. If there is an issue it is a Roberts Rule issue which is less serious. Mr. Ursin commented because it appeared on the agenda today he thinks the Council could consider it. Mr. Dabinett can press that point that is up to him.

Mr. Dabinett commented he doesn't wish to press the matter, he just wanted to make sure we are following the proper procedure.

Mayor Crowley explained this traffic signal was originally part of the Super Wal-Mart situation, all the engineering, traffic engineers and testimony was done at point. The Super Wal-Mart disappeared, right now Weis Market has decided to pick this up and on their own. Traffic Lights are extremely expensive they have done all the engineering, it has been approved by DOT. Mayor Crowley commented his opinion is that it is a real plus for the Borough to get traffic to go South from that whole group of commercial properties. Weis is one of our biggest employers and also one of our biggest tax payers and is ready to make a very large commitment to increase/redo their store to make this investment in the Borough.

Mr. Dabinett explained the site distance when he leave Weis. Mr. Dabinett questioned why do we have to have a light and not just a left hand turn. The Council discussed having a left hand turn vs. a traffic light, traffic on local roads, other stores opening soon and only having one exit out of that area South, this could

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be more development coming to the Borough, back up by the light at Wal-Mart intersection, this would elevate traffic there, school opening soon and safety,

Mr. Ursin explained despite the fact that DOT has jurisdiction over the road and the DOT makes the primary decision with respect to the road from time to time they come to the town and ask for comments, support for different things. Generally, even though they have the power to do it they generally don't approve things unless the town is in support of it. In every major real estate development most of them get lights, the big ones, the town looks at these things and determines whether they want to support expansion. The Weis Store could not get permission from the DOT to expand without the light; there are a lot of potential development in that area and it would be very difficult to get any of that approved from a DOT bases with respect to the road opening with the light there. From a developers point of view or from somebody who is going to invest money a real estate expansion or development these lights are a big deal and they are hard to get from the DOT.

Mayor Crowley commented the Super Wal-Mart right now is dormant but people are looking at it. Without a light that whole area would never be developed.

Mr. Ursin commented that is a never; there is no chance of developing that. Mr. Ursin commented he doesn't know if that lot can be developed after that project collapsed but if there is any chance of it there is zero chance without a light.

There was a discussion on potential development in that area and adding the light.

Mayor Crowley commented the motion is to approve this traffic light.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Babcock

Nays: Giordano, Dabinett Absent: None Abstentions: None

Ordinance #9-2015 Setting Salary Range

Mr. Snyder made a motion to introduce an ordinance entitled " SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY" Seconded by Mr. Limon.

Public Hearing will be held September 8, 2015.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-67

Mr. Giordano made a motion to adopt resolution 2015-67 cancelling the unexpended and dedicated balance of Water/Sewer Capital Appropriation ordinance 11-2014 in the amount \$1,815.69. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-70

Mr. Giordano made a motion to adopt resolution 2015-70 authorizing the Municipal Shared Service Defense Agreement regarding a "COAH" expert. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Babcock,

Nays: Giordano, Martinez, Snyder, Dabinett Absent: None Abstentions: None

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Resolution 2015-71 Release of Cash Bond

Mr. Giordano made a motion to adopt resolution 2015-71 authorizing the release of Cash Bond in the amount of \$61,230.00 to developer CM Franklin LLC. on the recommendation of the Borough Engineer letter dated August 11, 2015. Seconded by Mr. Limon.

There was a brief discussion on the resolution.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Discharge of Mortgage

Mr. Giordano made a motion to confirm the Discharge of Mortgage dated August 13, 1999 to Mildred and Francis Kalafut, 11 Buckwheat Road, Franklin, in the amount of \$9,195.00. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-73 Imposing lien for Municipal Services

Mr. Giordano made a motion to adopt resolution 2015-73 imposing a lien in the amount of \$48,906.52 for Municipal Services on Block 606 Lot 29 located at 429 Rte 23, Franklin. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: Giordano

Resolution 2015-74 Mildred Harden Fund and Franklin Pond Project

Mr. Giordano made a motion to adopt resolution 2015-74 authorizing the CFO to expend up to \$62,000.00 of the Mildred Harden Fund to be used with respect to the Franklin Pond Recreational path projects. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Sanitary Sewer Review for Petals Florist

Mr. Giordano made a motion to approve the change of EDU's for Petals Florist Account number 8049, Block 1007 Lot 2 based on the Borough Engineer correspondence dated August 11, 2015 recommending the EDU reduction from 3 EDU's currently billed to 1 EDU. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Sanitary Sewer Review for Russell Anema

Mr. Giordano made motion to approve the change of EDU's for Russell Anema, Account number 1093-15 [vacant commercial beauty salon] Block 2003 Lot 5 based on the Borough Engineer correspondence dated August 6, 2015 recommending the EDU reduction from 3 EDU's currently billed to 1 EDU. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

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EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mayor Crowley suggested for the council to consider having two meetings for July and August in the future.

Mayor Crowley suggested having a Special Meeting to accept bids for High Street and various road improvements. Mayor Crowley suggested August 17 at 6:00 before the Planning Board meeting.

Mr. Ursin stated someone should make a motion on that. Special meetings require special publication; you should indicate in the motion whether you are meeting just to review road bids or whether you are also going to review this High Street issue because it needs to be on the agenda.

Mr. Giordano asked if you could draw up an ordinance or change the ordinance in that time frame.

Mr. Ursin commented the answer is yes, but even if he couldn't you can always introduce the ordinance by title.

Mayor Crowley commented you can put it on the agenda if we don't talk about it, it doesn't matter. It is an agenda item [with bids] and also High Street.

Mr. Dabinet commented traffic situation; and made the motion. Seconded by Mr. Snyder.

Mr. Ursin asked the time. Mayor Crowley stated 6:00.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Mr. Snyder informed the Mayor that he will not be able to attend the next Council meeting on September 8th.

Mr. Martinez thanked recreation for their work on the pond area.

Mrs. McHose commented she made a request to Harold Pellow that we have the Engineer on site in Franklin Borough one day a month. We compromised with two half days a month so he will be in the Borough two half days so we will be able to schedule meetings. It will not generate extra bills it is just part of his coverage and contract with us.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Babcock made a motion to adjourn the meeting at p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk