

**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 8, 2015**

Council President Giordano 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. Babcock, Mr. Dabinett, Mr. Giordano, Mr. Limon and Mr. Martinez

Absent: Mr. Snyder, Mayor Crowley

Council President Giordano led the assembly in the flag salute.

Council President Giordano 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**

At this time there will be a presentation to Police Officer Leo Kinney.

Chief McInerney requested a few extra minutes for the presentation.

**COMMITTEE REPORTS**

Mr. Limon reported there are a few action items on the agenda regarding personnel hopefully we all support them this evening.

Mr. Babcock asked if there was any word on the promotion of a police sergeant for the police department.

Mr. Limon commented he isn't on that committee.

Mrs. McHose commented we are in the process of conducting interviews and we have not been working on that issue right now.

Mr. Dabinett had nothing to report.

Mr. Martinez had nothing to report.

Mr. Babcock had nothing to report.

**Proclamation Childhood Cancer Awareness Month**

Mrs. McHose explained the proclamation to the public.

Mr. Giordano made a motion to accept the Proclamation Recognizing Nicholas DaSilva for surviving his battle with cancer and declaring the month of September as Childhood Cancer Awareness Month in the Borough of Franklin. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

**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. Martinez. All were in favor.

Susan Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mrs. Gunderman commented on recreation and the pond; twenty years ago Claude Paddock took that on, he got the bridges with the funding of Green Acres and Senator Littell. We also had volunteers come in put up the lights on the dam and the fountain. Mrs.

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Gunderman commented on the appropriation of \$62,000 from the recreation budget and was wondering what type of other funding did the Borough get. Mrs. Gunderman asked if the Borough went to DEP for funding or Department of Community affairs. Mrs. Gunderman questioned why the Borough didn't look into applying for any grants for this. Mrs. Gunderman questioned the increase of the Zoning Officer from part time to full time and the rate increase to \$35.00 per hour he will receive and if there is a need for a full time zoning officer. Mrs. Gunderman commented on the drop and drive paving, as soon the snow plow hits it, it is going to be gone. Mrs. Gunderman commented you have to give back to the people, you keep taking and you are not giving back, you have to let the houses go up in value.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath asked are the zoning officer duties going to expand; are you guys going to go into the CCO's so that we know what is moving in and out of town. Do you have plans on doing this and when?

Mrs. Mchose thanked Mrs. Heath for bringing this to her attention. Mrs. McHose commented she is exploring it [CCO's] and has talked to other towns with several Administrators and Managers to talk how they handle this. She is doing some research and has talked to Hardyston and Joe Drossel.

Mrs. Heath commented as far as the salaries, she isn't taking anything away from the person but \$68,000 year [based on 37 1/2 hours] and we also have on the agenda to give a salary adjustment for the Tax Collector. Mrs. Heath asked what is her salary now and what is she going to be making.

Mrs. McHose commented she is going from \$52,000 to \$57,000 and explained the reason for the salary adjustment.

Mrs. Heath asked what the administrative costs are in the Borough. Mrs. Heath commented she understands the Millie Harden money was used for the paths, that money has been like a nest egg and it is for the youth of Franklin unless the Council decided otherwise. Mrs. Heath questioned what kids are going to walk the paths.

Mrs. Mchose commented the money isn't just for the path it is to enhance the fields down there, we are in the process of getting the Walkkill Football, Flag Football the younger kids back this year to practice there. The hope is to explore whether we can expand the field, improve lighting and we also talked about the potential for moving the playground.

Mrs. Heath suggested a splash park. Mrs. Heath commented on how wonderful the Carnival was this year.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented if you are going to be spending \$62,000 down at the pond you better do something about the geese. Mrs. Tatka explained the problem with the geese. Mrs. Tatka asked how many hours does Joe Drossell work now and if he was going to be giving up his other day job and questioned if the administrator was giving up her other day job.

Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented he isn't saying it's not right to do something down there [at the pond] but under Green Acres there are several grants out there. We have used Green Acres money at the pond before, if we are going to do something let the State of NJ or Federal Government pay for it instead of the taxpayers from Franklin.

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Donna Arrigo, 33 Ben Franklin Drive, Franklin, stepped forward. Mrs. Arrigo commented on the garbage issue at Franklin Meadows. In less than a month you are going to turn Franklin Meadows into garbage meadows. Mrs. Arrigo commented on requesting the Borough for a compactor many times and was turned down every time. Mrs. Arrigo explained the need for garbage pickup twice a week with the number of residents that live in Franklin Meadows, they did everything right regarding replacing and repairing dumpsters, the bear problem there would be with only one pick up and there is no place for residents to store their garbage.

Mr. Giordano commented to the best of his knowledge they are working on a solution to the problem. Speaking as the Council President he will do everything in his power to try and help solve your problem. Unfortunately the Mayor said it is your problem that is not true it is our problem.

Mrs. Arrigo commented she came to meetings and nothing she said was listened to, we are going to have problems because right now the money that she wanted to use for a compacter is already committed to a roofing project. Mrs. Arrigo commented she doesn't know what to do. Mrs. Arrigo commented for thirty years we had two days a week pick up, you are going by a Builders Developers Agreement, we didn't even have all the buildings up when Peter signed that. That was signed a long time ago there are a lot more people.

Mr. Dabinett commented we went to bid on the garbage contract we were told at the time that everything was going to remain the same. This Council did not see the bid specs, it was spec for one day a week garbage pickup. There was one bidder, that was approved on June 23 by resolution of this Council to enter into a contract with Blue Diamond. Subsequently this Council has not seen the Contract, and the Council has not passed the contract. On July 30, there was an addendum to that contract changing the dates. This Council never passed that amendment either. Mr. Dabinett explained his visit with Mike Rathbun to Franklin Meadows.

Mrs. McHose commented Mr. Dabinett is not correct. Mrs. McHose commented we previously had two zones of garbage in the town of Franklin, one [zone] was picked up on Tuesday, one [zone] was on Wednesday. What occurred prior to her arriving here was there was an arrangement made, she didn't realize it was thirty years you were getting garbage picked up two days a week. There was an agreement made because there was an overflow of garbage or need for an extra day. They [Franklin Meadows] were being picked up on Tuesday and Friday at Franklin Meadows. Mrs. McHose commented you are miss speaking when you are saying we can't go back, that we went to one day, we eliminated the zones and we are requiring Blue Diamond to pick up trash all in one day. Just like back in the old days where you had Wednesday was garbage day for the whole town. Mrs. McHose commented we are in the discussions between Blue Diamond and Franklin Meadows, we are trying to determine who is responsible for that extra day. Blue Diamond is saying as of October 1, there must be a resolution and we must figure out who is going to cover the extra costs.

Mrs. Arrigo asked how did you let this happen.

Mrs. McHose asked Mr. McBriar to explain the legal [part of this]

Mr. McBriar commented it is his understanding Blue Diamond did the extra pick up and they didn't charge for that; it wasn't in the bid specs. Under the Municipal Service Act the Borough is responsible for providing the same level of services as it provides to its residents Borough wide. The bid specs were done pursuant to DEP regulations. It was his understanding that Franklin Meadows was going to get a quote from Blue Diamond for the cost of the extra day, he doesn't think Franklin

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Meadows knows what that is yet, at least that is what he has been told, and what the cost would be for the purchase of a trash contractor.

Mrs. Arrigo commented they [Blue Diamond] said they would get back to us from what she understands at that meeting last week.

Mr. Giordano commented we will do the best we can to rectify the situation. Mr. Giordano commented he can't make any promises, he knows how he feels as a Councilman, however the Council has to make a decision in the near future.

Mrs. Arrigo asked what is going to happen the garbage is overflowing and the bears will be back into the streets. Mrs. Arrigo commented why would you let this happen.

Mr. Dabinett commented Blue Diamond was picking up two days a week here in Franklin, they had trucks in the area. Mr. Dabinett commented Mr. Shortino from Blue Diamond told him since they had to go to one day pick up in the Borough of Franklin he has to reschedule other towns, his manpower. Subsequently there are no longer trucks around for that garbage.

Mr. Limon commented we had the contract, we read it, it's not like we didn't read it Bob, [Mr. Dabinett]. You say we didn't read it, we read it, the contract we voted on.

Mrs. Arrigo commented how did you let this happen then.

Mrs. McHose commented she has been talking to Sharon [from Franklin Meadows] for months on the phone she didn't know until a week before that meeting Franklin Meadows gets recycling every single week.

Mrs. Arrigo commented the whole town brings their stuff by us.

Mrs. McHose commented that is a control issue.

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. Babcock. All were in favor.

**PRESENTATIONS**

At this time there was a presentation to Police Officer Leo Kinney.

Chief McNerney called all Police Officers present to step up.

Council President Giordano and Administrator Mrs. Mchose presented Officer Kinney with a plaque. Mrs. Mchose thanked Officer Kinney and read the plaque.

Chief McNerney presented Officer Kinney with his retirement badge from the Police Department. Chief McNerney congratulated Officer Kinney.

Council President Giordano commented Sergeant Kinney will be missed in the Borough of Franklin and appreciates all he has done.

**CONSENT AGENDA**

Council President Giordano 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):

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1. Letter dated August 11, 2015 from Monica B. Miebach, CFO/QPA to Alison McHose, Mayor and Council Re: Bond Anticipation Notes.
2. Letter dated August 20, 2015 from Hawkins, Delafield & Wood LLC, Bond Council to Mayor and Council of the Borough of Franklin.
3. Resolution 57-2015 from Sandyston Township supporting the establishment of a U.S. Department of Veterans Affairs Community Based Outpatient clinic in Sussex County.
4. Resolution of the Township of Sparta supporting steps by NJ Officials to protect and support Federal Military Bases located in the State of New Jersey.

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

1. Municipal Court Report for July, 2015.
2. Tax Collector Report for August, 2015.

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

1. None Filed

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

1. Payment of bills for the meeting of September 8, 2015.

Mr. Limon made a motion to approve the consent agenda of September 8, 2015.  
Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

**OLD BUSINESS**

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

**NEW BUSINESS**

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes for August 11, 2015. (Absent: None) Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Mr. Limon made a motion to approve the special meeting minutes for August 17, 2015. (Absent: Mr. Limon) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: Limon

Adoption of Ordinance #9-2015 Setting Range for Salaries

Mr. Limon made a motion to adopt Ordinance 9-2015 "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY. Seconded by Mr. Martinez.

**Prior to final roll call Council President Giordano opened the meeting to the public for any comments regarding ordinance 9-2015.**

No one from the public stepped forward.

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Mr. Giordano explained Ordinance 9-2015 to the public.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Introduction to Ordinance #10-2015 amending ordinance #4-2015

Mr. Limon made a motion to introduce an ordinance entitled " AN ORDINANCE APPROPRIATING A NOT TO EXCEED SUM OF \$86,608.57 FROM RESERVE FOR CAPITAL OUTLAY, RESERVE FOR WATER/SEWER EQUIPMENT AND THE RESERVE FOR CAPITAL IMPROVEMENTS TO WATER DISTRIBUTION BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY" [This ordinance amends Ordinance #4-2015 correcting the amount authorized] Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

**Public Hearing will be held September 22, 2015.**

Resolution 2015-75

Mr. Limon made a motion to adopt resolution 2015-75 requesting approval of items of Revenue and Appropriation in the sum of \$5,000.00 is appropriated under the caption Drive Sober or Get Pulled Over, Labor Day Crackdown Grant, NJS 40A:4-87. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Resolution 2015-78

Mr. Limon made a motion to adopt resolution 2015-78 authorizing the Borough Clerk to renew the following liquor licenses for the 2015-2016 licensing term. Seconded by Mr. Martinez.

1906-33-010-006 Wok N Sushi  
1906-33-009-012 Franklin Silver Ducat  
1906-33-008-006 Assemble Corporation (Black Bear Golf Course)  
1906-33-004-006 Sullivan's Inn  
1906-44-007-007 WC Franklin LLC. (Wine Country Franklin)  
1906-31-017-001 Walkill Golf Club

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett

Nays: None Absent: Snyder, Mayor Crowley Abstentions: Giordano

Resolution 2015-79

Mr. Giordano made a motion to adopt resolution 2015-79 canceling outstanding check balances from checks not returned or unclaimed with the Municipal Court in the total amount of \$337.96. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Board of Recreation Secretary

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Mr. Giordano made a motion to hire Cynthia Mihm as secretary to the Board of Recreation at the rate of \$125.00 per month. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Conditional Offer of Employment

Mr. Giordano made a motion to authorize the Administrator to make a conditional offer of employment for two police officers pending a satisfactory character assessment and a second phase oral interview command level and completion of final phases of processing. [Chief of Police was changed to Administrator] Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Department of Public Works Pete Swanson

Mr. Giordano made a motion to approve a step increase for Department of Public Works employee Pete Swanson from step 9 to step 10 at the rate of \$27.01 per hour, after a satisfactory performance review and recommendation of Brian VanDenBroek, Department of Public Works Manager. Seconded by Mr. Martinez.

There was a brief discussion on this item being on the agenda and already part of a contract.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Substitute Crossing Guards

Mr. Giordano commented number 11 is a Mayoral appointment; he asks the Council if we could possibly table this until the next meeting.

Mr. Limon made a motion to table hiring Emily VanDyk and Judith Gurdak as substitute crossing guards as recommended by Lynn Warr Prtorich, Head Crossing Guard. Seconded by Mr. Giordano.

Mr. Babcock asked if there was a reason why you want to do this.

Mr. Giordano commented we need to clarify a policy in the Borough Handbook in relation to nepotism. We need to do this now to be 100 percent safe. We do need crossing guards, especially with the truck situation.

Upon roll call vote:

Ayes: Limon, Martinez, Babcock, Dabinett, Giordano

Nays: None Absent: Snyder, Mayor Crowley Abstentions: None

Resolution 2015-81

Mr. Giordano made a motion to adopt resolution 2015-81 moving Joe Drossel, Zoning Officer from Part time to Full time at a rate of \$35.00 per hour. Seconded by Mr. Limon.

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Mr. Babcock commented this is a big jump a \$4.00 raise he probably hasn't had a \$4.00 raise in ten years. That is a big chunk for a small town. Mr. Babcock commented he can't support that.

Mr. Giordano commented the raise would be \$3.17 per hour. Mr. Giordano commented he has been an advocate for a full time zoning officer for a very long time. We have a lot issues in town that require attention; foreclosed houses, business that are not complying and garbage issues are all things that are part of the zoning officers duties and job. In addition, Franklin is a growing town in terms of our businesses and future businesses coming into the town. It is at this point fairly critical that we have a full time zoning officer so that when people come to the town we have someone who is here so they can [answer questions]. Mr. Giordano commented Mr. Drossel is extremely good at his job; this is not a job that a lot of people really like, he understands it is a police like job. We have a fantastic individual that is doing the job. Mr. Giordano commented he would like for him to be full time so we can start moving forward addressing the quality of life issues in the town of Franklin that we have had over the last five years. Mr. Giordano commented he hopes the Council supports this so we can start cleaning up Main Street, garbage and looking into other items.

Mr. Babcock commented there are a lot of foreclosure houses, we need to save money, to give back to the residents, he can't support this.

Mr. Dabinett commented, Freddie [Mr. Babcock] for once I agree with you.

Upon roll call vote:

Ayes: Limon, Martinez, Giordano

Nays: Babcock, Dabinett Absent: Snyder, Mayor Crowley Abstentions: None

Resolution 2015-80 Awarding raise to the Tax Collector

Mr. Giordano made a motion to adopt resolution 2015-80 awarding Theresa Schlosser, tax collector a salary adjustment \$5,000.00. Seconded by Mr. Limon.

Mr. Giordano explained how the adjustment was split and the number of important roles Theresa has taken on in the town, she does a good job and it is an adjustment to the salary. This is under the advice of the personal [committee.]

Mr. Babcock commented this is a lot of salaries tonight, a lot of percentage. Mr. Babcock commented we really need to start giving back to the tax payers.

Mr. Dabinett commented the lady in question wears many hats, it would be hard for us to find someone to fill her role at this amount of money.

Upon roll call vote:

Ayes: Limon, Martinez, Dabinett, Giordano

Nays: Babcock Absent: Snyder, Mayor Crowley Abstentions: None

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mr. Limon commented on the funding for recreation.

Mr. Giordano commented it hasn't been the policy of the current administration to go out for bids, he has argued the last five years that we should be looking for bids as much as we can.

There was a discussion on grants.

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Mr. Giordano commented it is a benefit to have a State representative as our Administrator. Mr. Giordano commented he is very proud to say she [Mrs. McHose] is the administrator of this town and she has brought a change in the nine months she has been here.

Mrs. McHose informed the public of phone scams and gave some helpful suggestion on phone scams. The information is also on the Borough website. If you have any problems call Franklin Police at 973-827-7700.

Mr. Martinez asked if we had gone out to bid for the track.

Mrs. McHose commented she is not sure if the bid went out, she will check with the Borough Engineer.

There was a brief discussion on the lights [at the pond].

Mr. Dabinett commented on the garbage contract and the amendment. If it was legal to amend a contract.

Mrs. McHose commented it is allowable by law to amend a signed contract if both parties agree. In this instance there was a meeting with the CFO, Blue Diamond and herself we were asked to change the date of pickup of garbage. To flip flop the garbage and the recycling. Mrs. McHose commented Mr. Dabinett you were aware of this, maybe after the fact, she thinks you are little off on your information but I'm telling you an amendment is allowable by law if both parties agree. Mrs. McHose asked Mr. McBriar if that was correct.

Mr. McBriar commented yes, there were no changes to the bid amount.

Mr. Dabinett commented why as Council people sitting here 30 and 60 days waiting to get answers. When did we find out that Blue Diamond was not going to pick up garbage two times in Franklin Meadows.

Mr. McBriar commented the contract and the bid specs were advertised, the contract was included in the bid specs.

Mr. Giordano recommends at the next Council meeting to have a discussion regarding this matter under old business.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:06p.m., seconded by Mr. Babcock. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk