

**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 22, 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. Dabinett, Mr. Giordano, Mr. Limon, Mr. Martinez and Mayor Crowley.

Absent: Mr. Babcock, Mr. Snyder

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."

**COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Giordano reported recreation has their next meeting this Thursday. Mr. Giordano reminded everyone we will be having a fishing contest on October 17, 2015.

Mr. Martinez had nothing to report.

Mr. Dabinett had nothing to report.

Ms. Hough, clerk, had nothing to report.

Mr. Ursin, Esq. commented he will comment on things as they come up.

Mrs. McHose gave an update on the E-04 bridge, the traffic situation, additional signs ordered and the County will be coming soon to cut the weeds by Bridge E-07.

Mrs. McHose commented to date we have had a smooth transition to the garbage schedule, there are ongoing discussions regarding garbage and recycling services at Franklin Meadows.

Mrs. McHose commented as of September 1, 2015 Saint Clare's EMS has been responding to calls between 6:00AM and 6:00PM Monday through Friday at no charge to the Borough. The Walkkill Valley First Aid Squad has told Saint Clare's they may park their [vehicle] at their building on Corkhill Road. Saint Clare's crews are rotating where they are located. The Walkkill Valley First Aid Squad is seeking new members, there are four new members since August and two of the members are currently enrolled in EMT training courses. Franklin Borough and the Walkkill Valley First Aid Squad will be participating in ongoing discussions of a regional squad.

Mrs. McHose commented Chief McInerney informed her that David Schneider has completed his probationary service and is now elevated to step one on the FOP contract. The authority was given to the Administrator by Borough Council at a meeting prior to 2015. Police interviews are ongoing, the second round of interviews for candidates of interest will be held this Thursday.

Mrs. McHose commented she has met the union representative [for DPW] to set dates for meetings to begin the DPW contract for 2016/2017. The reason for the two year contract is the anticipated significant change in health care coverage on 1/1/18 due to the affordable care act.

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Mrs. McHose commented she is having ongoing discussions with the head crossing guard to talk to the chief of police to monitor reports of any unusual issues they may encounter during the weight restriction on the E-04 bridge and other personnel issues. The Mayor authorized the hiring of Judith Gurdak and Emily Vandyk as substitute crossing guards and additional crossing guards are being hired so we will be fully staffed and children will be directed to cross Borough roads in a safe manner.

Mrs. McHose reported the Dog and Cat census will be conducted beginning in October by one of our court officers. He will have identification he will wear as he goes house to house. The Borough will be conducting a free rabies clinic the first Saturday in November from 1:00PM to 3:00PM at the Borough garage.

Mayor Crowley commented he was not able to be at the last meeting with the presentation to Leo Kinney. Mayor Crowley comment he wanted to wish him well in his retirement.

Mayor Crowley commented last week was the 100th year Birthday party of the Franklin School, it was well attended they sold over 650 lunches, people where there from all different classes and retired teachers.

Mayor Crowley commented we have another 100 year anniversary coming up; the Franklin Police Department has its 100th year anniversary October 1, 2015. We will be having a more formal presentation hopefully at the next meeting.

Mayor Crowley commented the New Jersey Planning Association has made a special achievement award to John Cholminski, the Chairman of the Borough's Planning Board for his years of dedicated service. They had a breakfast meeting the other day, unfortunately he [Mr. Cholminski] was unable to attend but the Mayor and Administrator went down and accepted the award on Mr. Cholminski's behalf.

Mayor Crowley commented Taco Bell should be opening in a few weeks when they finish their paving, get their CO and [permits from the] Health Department.

**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. Limon.  
All were in favor.

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina read a short statement from the New Jersey Herald dated September 10, 2015, quoting the Mayor; the title was Franklin elevates Zoning Officer to full time and also approves a \$5,000 raise for the Tax Collector. Mr. Durina asked if the Mayor approves the meeting agenda, correct? Who is the boss the Mayor or the Departments heads? Mr. Durina referenced and read part of the September 25, 2012 meeting minutes and January 28, 2014. Mr. Durina commented on the tax collector raise and the Mayor's support of raises over the 2 percent cap in the past.

Tom Prol, Esq., Laddey, Clark and Ryan, attorney for the Franklin Meadows Condominium Association, stepped forward. Mr. Prol commented he appreciates the time and effort many of you have put into helping his client with the situation with the garbage. Mr. Prol gave a hand out to the Council. Mr. Prol commented there is a problem in their community with respect to the garbage, he would like to work with the Council and town attorney to resolve this problem. Mr. Prol referenced pages 1-4 of his hand out with census data and explained. Mr. Prol then referenced pages 5-

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7, explaining the cost of the last contract with two zones and Franklin Meadows with two days solid waste hauling under the prior contract. Mr. Prol referenced pages 8-12 and explained; the shift in the contract but the burden on Franklin Meadows.

Mayor Crowley commented he is going to have to cut you off; he asks to keep [comments] to three minutes, this is really not the appropriate time, this is not on the agenda for tonight for discussion, if the Council wants to discuss it further they can bring it up under old business. It is not on the agenda so there won't be any decisions. Mayor Crowley commented your arguments he understands, should go to our attorney.

Mr. Prol commented he represents at least a dozen people here.

Mayor Crowley commented you are not going to get anywhere you are using up the time.

Donna Arrigo, 33 Ben Franklin, Franklin, stepped forward. Ms. Arrigo asked to let Mr. Prol continue and voiced her opinion. Ms. Arrigo referenced page 13 in Mr. Prol's handout, contract between the Borough and Blue Diamond, single bid contract no other bidders. Ms. Arrigo referenced page 15, cost per month for less services in 4 years and questioned the cost.

Mayor Crowley commented it was a bid spec and that is what the bid was.

Ms. Arrigo referenced pages 16 and 17 and read sections on these pages and referenced pages 18 and 19, the addendum date and time changes. Then referenced pages 20 and 21.

Mr. Prol commented he came in peace tonight, he had hoped to finish this discussion, he has had several productive discussions with Mr. Ursin. Mr. Prol commented he doesn't feel like he was treated professionally and responsibly here tonight, he doesn't think it was fair to cut off debate, we are trying to work with the Borough. Mr. Prol commented you can see this Borough has treated his client extremely different and he thinks it was without notice, they did it unfairly without any open discussion and he doesn't think it is appropriate that we were not allowed to discuss this any further.

Lisa Valardy, 17 Ben Franklin Drive, Franklin Meadows, stepped forward. Ms. Valardy commented she sat at a meeting about a week and a half ago and we were told you would be contacting us with some options prior to this meeting happening tonight. It is her understanding this has not happened at all, you looked at us in the eyes telling us we will get back to you before this meeting with some options and yet there was none. She doesn't know how all the voting happened or all the changes took place but it is your problem, you can't say it is our problem we are residents of this community being treated differently from the rest of the residents in the community. Ms. Valardy explained.

Daniel Ramos, 37 Liberty Lane, Franklin Meadows, stepped forward. Mr. Ramos handed out a picture to the Council of the garbage dumpsters at Franklin Meadows. Mr. Ramos explained the issue is not only the abundance of garbage it is a safety concern, an environmental concern and it is a disaster. We have bears and raccoons if someone's kid is walking by there and gets hurt that is going to be a serious problem and explained.

David Fossi, 1 Ben Franklin Drive, Franklin, stepped forward. Mr. Fossi commented in one week garbage is all over the place, all over the ground what is going to

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happen when you give us two weeks. Mr. Fossi questioned who is going to clean up the mess, something has to be done.

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. 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 September 2, 2015 from Helen Homeijer, RN,BSN, County of Sussex Department of Environmental Services, to Mayor, Town Clerk and Council Members Re: Breast Cancer awareness month.
2. Email dated September 5, 2015 from New Jersey State League of Municipalities requesting the Municipal Clerk to forward a copy to all Governing Body members Re: Weekly Policy Update.
3. Letter dated September 8, 2015 from Barbara Heskins Davis, PP, AICP The Land Conservancy of New Jersey to Mayor Crowley, Mrs. McHose and Ms. Hough Re: Update the County's 2003 Open Space and Recreation Plan.

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

1. Construction Permit Activity report for August, 2015.
2. Construction Department report for August, 2015.
3. COH report for August, 2015.
4. Police Department report for August, 2015.

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

1. Application for use of the Senior Center for every Friday thru 2016 from 6:30PM - 9:30PM for Girl Scout Troop 897.
2. Application for use of the Senior Center for Friday October 30, 2015 from 5:00PM - 10:00PM for Girl Scout/Boy Scout Trunk or Treat event.

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

1. Payment of bills for the meeting of September 22, 2015.

Mr. Limon made a motion to approve the consent agenda of September 22, 2015. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

**OLD BUSINESS**

Mr. Giordano commented he wants to let everybody know some basic things, Franklin Meadows represents approximately 10 percent of the total amount of residents in the town of Franklin. Mr. Giordano commented he attended a meeting last Tuesday, their [Franklin Meadows] Board meeting, he understands the problem. Mr. Giordano commented he would really like for the Council to consider extending the two week garbage pickup until we negotiate some type of settlement. One being

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the garbage is piling up pretty badly in one week and the second part is there are a lot of bears out, it is that season and he would like to try and help the residents there so we can have some type of mutual agreement in the short term future. Mr. Giordano commented it would be in the interest of the Borough to do that.

Mr. Martinez commented, "I will second that motion Nick"

Mayor Crowley commented you are making a motion that has spending involved, it is not on the agenda.

Mr. Giordano commented "He makes a motion that we have a special meeting then"

Mr. Martinez seconded that motion.

Mayor Crowley commented we have a motion and a second on the table.

Mr. Ursin commented he is trying to figure out if it is a superseding motion, if it is the same subject matter it is a superseding motion, it feels like two different motions.

Mr. Giordano commented it is the same, he will combine them.

Mr. Giordano made a motion that we have a special meeting to go over the garbage issue with Franklin Meadows residents to decide whether we can continue it until we negotiate the settlement.

Mr. Ursin commented that will be a modification of the motion you made originally, since you made it that motion is made, Mr. Martinez seconded both motions, so perhaps he will second and we can consider.

Mr. Martinez seconded the motion.

Mr. Limon commented why don't we settle it now, why wait for a special meeting.

Mayor Crowley commented because there is a financial involvement, it is not on the agenda and we don't know how much it would cost.

Mr. Giordano commented the CFO has to certify the funds are available.

Mr. Ursin commented since the meeting was held between some Council members and Franklin Meadows, he has been in contact several times with Mr. Prol, the conversations were productive but the window is very short. Getting information back and moving it along just didn't happen before today. Mr. Ursin commented he thinks Mr. Prol agrees that their conversations were productive. Whether they will result in a proposal for the Council, but they were moving in the right direction. Mr. Ursin commented if you have a special meeting perhaps there will be more information available to you, he doesn't know yet.

Mr. Ursin explained why there wasn't a proposal for tonight.

Mr. Dabinett commented he wants the public to be aware, we [the Council] know of the situation up there and we are doing what we can to get it resolved.

Mayor Crowley commented Mr. Prol is right on the numbers the population has gone down. Mayor Crowley commented he would agree that 10 percent of the population is in the Condo area. Mayor Crowley commented we went out to bid, the bid/contract came back our tax levy is capped at 2 percent, if you add additional services to the Condo area some of the preliminary figures from Blue Diamond

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would be about \$24,000 per year to add additional pickups. He won't be here after January 1, but the sitting Council will have to decide where that \$24,000 a year is going to come from, we are on a tight budget now, this is not a small amount of money. The contract was trimmed this year to try and save money and it still came in over the two percent. The ten percent of the population of Condo's are basically asking the other ninety percent of the Borough to financially supplement the Condo Association. The Condo law indicates the town should give the same level of service to the Condo's that we give to the rest of the town. Some of the areas that have to be discussed is who is responsible for the containers, if they have to be bigger, who is responsible for that, if there are additional pickups, who is responsible and if there is a compactor that becomes part of the deal, who is responsible for obtaining it, putting it in and taking care of it. These are all questions the Council will have to look at and agree upon.

Mayor Crowley commented what was passed [the motion] was for a special meeting. He asked Alison to set that up as soon as possible

Mr. Limon commented he wants to make sure the CFO is in attendance.

There was a discussion on the special meeting.

Mayor Crowley commented it will be for a special meeting that we'll discuss the Franklin Meadows garbage contract, the garbage contract in general and there may be action taken.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

Mr. Martinez asked about the FOP contract and if there were any updates regarding the track.

There was a brief discussion.

Mr. Giordano asked about the paving of the roads.

Mrs. McHose commented we have a pre paving meeting tomorrow with the contractor.

Mr. Dabinett commented at the last meeting the Council made a motion to table the hiring of two crossing guards. Then he sees that you [the mayor] declared an emergency situation and hired them. What was the emergency.

Mayor Crowley commented Mrs. McHose went into the ordinance and found that the hiring of those positions to be done by the Mayor the second thing is the head of the crossing guards felt she needs people if available right away in case somebody was out sick.

Mr. Dabinett questioned if the Mayor can do that without Council approval.

Mayor Crowley referenced the chapter in the code book and read that section.

Mr. Dabinett commented he thinks the Council does the hiring and firing in this town, you can make an appointment but we are the ones that do the hiring.

Mayor Crowley commented he just read the ordinance.

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Mr. Dabinett commented he is following State Statue.

Mayor Crowley commented in this case the Council approved an ordinance to let the mayor appoint the substitutes.

Mr. Dabinett commented as the ordinance committee that will be his first move to change that.

Mr. Ursin commented it is an unusual prevision but it states specifically when you look at the ordinance that permanent crossing guards are by voting [Council] then the subsection goes on and limits the Mayors powers to the substitute crossing guards. He wasn't here when that ordinance was passed so he can't say why and gave possible reasons. Mr. Ursin commented when you read the ordinance that is the way it plays out, it is the Council's prerogative with respect to the permanent one year term positions and the Mayor does the hiring for the substitute guards.

**NEW BUSINESS**

Approval of the Minutes

Mr. Martinez made a motion to approve the regular meeting minutes for September 8, 2015. (Absent: Mr. Snyder, Mayor Crowley) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

Adoption of Ordinance 10-2015 amending Ordinance 4-2015

Mr. Martinez made a motion to adopt Ordinance 10-2015 "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. Limon.

There was a brief discussion regarding the ordinance.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 10-2015.**

No one from the public stepped forward.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

Application for Social Affair Permit

Mr. Martinez made a motion to approve the application for a social affair permit submitted by DASI - Domestic Abuse and Sexual Assault Intervention Services, premises for the social affair permit in the Franklin Borough Firehouse on October 23, 2015. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

DASI Raffle applications

Mr. Martinez made a motion to approve Tricky Tray application 23-15 and On Premise 50/50 application 24-15 submitted by DASI - Domestic Abuse and Sexual

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Assault to be held on October 23, 2015 at the Franklin Firehouse. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

Sanitary Sewer Review for 136 Wildcat Road

Mr. Martinez made a motion to approve the change of EDU's for 136 Wildcat Road, Block 1007 Lot 2, based on the Borough Engineer's correspondence dated September 17, 2015, recommending the EDU reduction for account number 3107 (pump maintenance shop) from 14 EDU's to 1.5 EDU's and an adjustment for account number 3114 (cabinet shop) from 1 EDU to 1.5 EDU's. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Martinez, Dabinett, Giordano, Limon,

Nays: None Absent: Babcock, Snyder Abstentions: None

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mayor Crowley commented two of the agenda items was for DASI, October 23, 2015 fundraiser at the Franklin Firehouse, that is a very important organization. There is also a Fish and Chips Dinner coming up at the Firehouse, October 30.

Mr. Giordano commented on police vehicles to sell or auction off.

Mr. Martinez commented on softball field work needed to be done.

Mr. Dabinett commented on the meeting with the contractors regarding the road improvement. Once the road improvements start they should be done in about 12 - 14 days, weather permitting.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 7:55p.m., seconded by Mr. Martinez. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk