

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
October 27, 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. Babcock, Mr. Dabinett, Mr. Giordano, Mr. Limon, Mr. Martinez, Mr. Snyder, 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."

**COMMITTEE REPORTS**

Mr. Dabinett commented at the last meeting Pete Vahley questioned the Council on the fishing and boating fees for the Franklin Pond. Mr. Dabinett commented he would like to propose the following amendments to the fee ordinance in the Borough of Franklin, Fee Ordinance 92-9 right now is at \$3.00 fishing fee for Franklin Residents and a \$5.00 fishing fee for non-residents. Mr. Dabinett suggested to eliminate the \$3.00 fee for the residents and raise the fee to \$20.00 for a non-resident for fishing. Also, there is a fee for boating, it now stands as a residential fee of \$15.00 and a non-residential fee of \$20.00. Mr. Dabinett commented he recommends we [Council] eliminate the \$15.00 fee for the Franklin residents and raise the non-residents fee to \$30.00.

Mr. Ursin commented we drafted that ordinance at your request, if the Council wishes it will be on the next agenda.

Mr. Dabinett commented that is fine and thanked Mr. Ursin.

Mr. Martinez had nothing to report.

Mr. Babcock had nothing to report.

Mr. Snyder reported the finance committee will be meeting on November 13, to discuss finance obligations and we are also going to start the capital projects. Mr. Snyder corrected the meeting will be in December.

Mr. Giordano reported Recreation had three events this month, first event was the trout contest at the Franklin Pond, which was sponsored by FOP lodge 57. Mr. Giordano thanked the FOP and volunteers. Mr. Giordano commented in the pond there are trout that are tagged everyone of the trout that has a tag has a prize associated with it, so if you catch one bring the tag to Borough Hall and they will get you a prize. The second event was the annual Halloween Parade and a bon fire was added at Fireman Park and thanked Jim Nidelko and Mike Raperto for helping with this event.

Mr. Limon reported we had a personnel meeting since the last meeting and the administrator will be following up with some issues in her report.

Ms. Hough, Clerk had nothing to report.

Mr. Ursin, Esq. had nothing to report.

Mrs. McHose reported she has been working on coordinating continuation of the paving of the roads, Corkhill Road, they will be doing that November 6, right now we

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have Braen and the paving contractor are in discussion with that so we can reduce the traffic interruptions. So it will probably be the 5th, 6th and 7th.

Mrs. McHose reported High Street is in the works, we started with the curbing and the sidewalks. Next will be the milling and the paving. They plan on doing this in sections.

Mrs. McHose reported they have completed Davis Road, Maple Road and Wildcat. For those of you wondering about the curve in [Wildcat] we left that purposely unpaved, there is a crushed drain pipe under that corner, that was not in the scope of the work for the bid so we will be doing that separately, we did leave that out of the current bid.

Mrs. McHose reported we had a personnel meeting, she will be following up on several items, one being the DPW contract. Mrs. McHose commented she had a meeting with the representative from the union and we hope to wrap that up by the end of the year. That will be a two year contract because of the change in the national health care policy which goes into effect in January, 2018.

Mrs. McHose reported on the FOP contract, we met today with the attorney and a representative from the FOP to present to them our final numbers we are hoping we are close, we are hoping to have that done very shortly.

Mr. Dabinett commented he hopes before you sign any ink; this Council has a chance to review and have a say on that contract.

Mayor Crowley reported Taco Bell and Walgreens will be opening soon, he thought they would be open before this but they should be opening soon. If you notice they started construction at the light in front of Weis Market, that will be going on in the next few weeks. The engineers have said they don't expect a lot of problems with traffic, it will be mostly on the side of the road. They don't expect any problems and this should be completed by the end of the year, weather permitted.

Mayor Crowley commented the next Council meeting the first one in November he will be on vacation and will not be here. The second Council meeting in November is two days before Thanksgiving, we will try and keep the meeting as light as possible. The first meeting in December is as usual, the second meeting in December is a couple days before Christmas. In the past when there has not been a lot to do it has been called off at times, one of the problems is it is the last time you can transfer funds into accounts. Mayor Crowley asked Mrs. McHose to speak to our CFO and see if this can be done the first meeting in December and depending how much business there is [will decide] whether we will have the second meeting in December or not.

**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. Dabinett. All were in favor.

John Yanish, 21 Mitchell Ave, Franklin, stepped forward. Mr. Yanish commented the senior citizens are hurting with the money you are spending here, it is outrageous. All the businesses on Main Street you got rid of. Mr. Yanish commented you have a chief of police sitting eight hours a day, why don't you hire yourself a detective like they did in Hamburg. Pay 50,000 a year you would save \$100,000. Before you can be a Councilman you should go to school and learn what a Councilman does, learn what the jobs are. Mr. Yanish commented you had a wonderful administrator and you got rid of him, you were paying him \$91,000 a year, he didn't get \$91 he had to work up till he got \$91, then here comes a Senator and you pay her \$98,000, \$7,000 more and is she qualified, no. While poor people, Senior citizens don't even have

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enough to eat. Mr. Yanish asked what have you done about Franklin Pond. What about our children, where to they go swimming, they don't have a place to go swimming. Mr. Yanish commented if he was the Mayor of this town the first thing he would do is go down to Wal-Mart, buy himself a broom and he would clean the house.

Elaine Tizzano, 19 Hemlock Dr. Franklin, stepped forward. Mrs. Tizzano commented she is here to thank the Council, the Police Department and Borough Hall for allowing herself in conjunction with the Center of Prevention and Mary Burns to have a walk down through Main Street, starting at the Firemen's Pavilion last year. It was called "Changing the Face of Addiction" in memory of her son and Mary's son. Over 300 people attended and we raised \$15,000 to help those in need, struggling with addiction. Mrs. Tizzano commented she comes to you today, she is on the agenda, asking the Council and the Police Department if they would allow us again to have a second annual "Changing the Face of Addiction Walk" through the town escorted by the Police on Saturday, August 6, 2016. The paper work is all in, if anybody has any questions. Mrs. Tizzano commented she would like to thank the girls in Borough Hall for being very kind and receptive for helping her along with it last year. Everybody in the community welcomed us. Thank you.

Mayor Crowley thanked Mrs. Tizzano for doing this and raising the money, it is going for a good cause.

Jackie Espinoza, representative from JCP&L, stepped forward. Ms. Espinoza commented they are opening up their power institutes again, for people who want to learn to become line men or women. They will come out with a two year degree and will be trained to work on the poles and trucks. Also they are working on street light in town. Ms. Espinoza commented on the utility scam starting up again. Mrs. Espinoza explained upgrading the light to the Council.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath congratulated Alison McHose for 13 years serving the State and our community. Mrs. Heath commented she was not at the last meeting, on that agenda was a motion to approve a police matron on an as needed basics. When you see how many females are arrested and asked what do the police do when they need a matron when they have a female in custody.

Mayor Crowley commented they would call for a female police officer from a neighboring town if someone is on duty. Another option would be for them to take the prisoner over to the County Jail where they have female correction officers. In cases of extreme urgency a male officer can search a female prisoner if they believe there are weapons.

Mrs. Heath commented she thinks especially since the Chief recommended this, you should reconsider.

Mrs. Heath commented on the dog canvas. When we hired the Zoning Officer for \$68,000 a year, \$35.00 per hour, you had on the agenda for someone to do the dog canvassing for \$23.00 per hour not to exceed 100 hours, the Council decided no we have a Zoning Officer. The reason we hired a Zoning Officer is because there is so much to do in town, for our Zoning Officer to put in 100 hours that is three or four weeks. Mrs. Heath commented she thinks we are being a penny wise and a dollar foolish.

Mrs. Heath commented you have a zoning officer with no certification \$68,000 per year, you have a Municipal Court Administrator making \$59,000 a year, she has to do 24 court sessions, you have an accredited deputy making \$13.80 per hour, you

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need these people. The Municipal Clerk who is the heart of the town \$58,000 a year, she has to do 24 meetings plus 2 election nights from 5:30 in the morning to 9:00 at night. What she is trying to say is nobody seems to be looking at the whole scheme. You have a senior citizen working at the nutrition site, which is subsidized somewhat by the County, she is not even making minimum wage because the powers to be found out the Municipality doesn't have to pay. So she is getting \$7.70 per hour and minimum wage is \$8.38. So personnel committee, she thinks when you are giving people jobs look around when you see 21 years people with accreditation and bringing in revenue.

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina asked what was the status of the guard rail in front of Walgreen to protect the school children that walk on that sidewalk, is DOT going to put that guard rail in. That is going to be dangerous in the winter time with the snow and ice on the sidewalk. Since the sidewalk has been put in there has been an increase in school children in our development using the sidewalk. This is a safety issue that has to be addressed.

Mayor Crowley commented he doesn't believe there is supposed to be a guard rail there, the second is the children are not suppose to be walking on that route to go to the school. They are suppose to be going around to the back and coming up the other way so they are not on Rte 23. Around to Buckwheat.

Mr. Durina commented the children have been going that route for years. Mr. Durina commented he was really disappointed at the last meeting we celebrated 100 years of our Police Department it was a great put together. It brought back the sense of community. Mr. Durina commented he for one wants to continue to let the Police Department protect the welfare and safety of not only our children but also our senior citizens.

Anita Delihassani, 3 Master Street, Franklin, stepped forward. Ms. Delihassani commented she recently became aware of a proposal by Regional Oil for a thirty thousand gallon propane tank to be installed.

Mayor Crowley commented that is Meenan Oil. That is an application before the Zoning Board and explained the application.

Emily Basilwitch, 1 Mill Street, Franklin, stepped forward. Mrs. Basilwitch asked why there was a fence between Dunkin Donuts and Taco Bell, in the beginning they talked about sloping that down so the people from Dunkin Donuts could go out.

Mayor Crowley explained why the fence is there.

Mrs. Basilwitch asked for the public session to be changed toward the end of the meeting and explained why.

Mayor Crowley commented the public session is at the beginning so you can give input before there is voting on the agenda.

Mrs. Basilwith asked if you can open it up again. Mayor Crowley commented that will be up to the new Council.

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.

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**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. Memo dated October 9, 2015 from Theresa Schlosser, CTC to Alison McHose, Administrator Re: Annual Tax Sale
2. Invitation received October 16, 2015 to the Mayor and Council from Sparta Elks Lodge.
3. Email dated October 9, 2015 from NJLM Municipal Officials to Municipal Clerk Re: Weekly Policy Update.
4. Notice dated October 2, 2015 from the Township of Hardyston to the Borough of Franklin Re: Public Hearing for an Amendment to the Township of Hardyston Master Plan to adopt the Highlands Preservation Area Master Plan Conformance Element.
5. Letter received October 19, 2015 to all SCMUA Customers Re: Proposed FY 2016 Rate Schedule Effective December 1, 2015.
6. State of New Jersey Department of the Treasury Division of Taxation 2015 Certification of the Table of Equalized Valuation for Sussex County. [Full Table of Equalized Valuation from the State is on file in the Clerk's office]
7. Township of Hardyston Ordinance 2015-17, An ordinance of the township of Hardyston, County of Sussex, State of New Jersey amending and supplements Chapter 185, Zoning, Section 185-25 (A), Bulk Requirements for Existing Single Family Homes in Unsubdivided Lake Communities within in the Midd-10 Zone, of the Revised General Ordinances.

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

1. Zoning Officers' reports for May, June, July, August and September, 2015.

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

1. None Filed

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

1. Payment of bills for the meeting of October 27, 2015.

Mr. Limon made a motion to approve the consent agenda of October 27, 2015. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**OLD BUSINESS**

Mr. Dabinett commented he would like to address Mrs. Heath's concerns. Mr. Dabinett read a clause in the Borough Personnel Policy. Mr. Dabinett commented after we voted this down [police matron], he came in the next day talked with Alison about amending the existing police ordinance to create this position of Matron and set a salary for her. Mr. Dabinett commented he also suggested that we amend the same police ordinance to include a dog canvasser and set a salary. That way it is done by ordinance, the salary created, passed by the Mayor and Council, then there should be no reservation about hiring these people.

Mayor Crowley commented the personnel committee is going to address that situation again.

Mr. Babcock commented he is glad to see there are no raises being handed out.

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**NEW BUSINESS**

Approval of the Minutes

Mr. Giordano made a motion to approve the regular meeting minutes for October 13, 2015. (Absent: Mr. Babcock, Mr. Martinez) Seconded by Mr. Limon.

Mayor Crowley commented on Page 8, there is a typo, Board of Publics should be Board of Public Works.

Mr. Snyder commented there is a typo in the minutes Chief Lacika.

Mr. Giordano amended his motion to accept the changes.

Upon roll call vote:

Ayes: Babcock, Dabinett, Giordano, Limon, Snyder

Nays: None Absent: None Abstentions: Martinez

Resolution 2015-86 renewal of liquor license

Mr. Giordano made a motion to adopt resolution 2015-86 authorizing the Borough Clerk to renew liquor license 1906-44-006-005 MINDIP LLC. for the 2015-2016 licensing term. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 11-2015 Municipal Consent to the issuance of a Franchise to Service Electric Cable TV

Mr. Giordano made a motion to adopt Ordinance 11-2015 "AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM." Seconded by Mr. Dabinett.

There was a discussion regarding the ordinance.

**Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 11-2015.**

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina commented he is in favor of issuing them the Franchise but questioned when the ordinance was introduced.

Mayor Crowley apologized for that.

Mr. Durina asked about and questioned their outage policy. Mr. Durina commented he was disappointed the Police Department 100th Year Anniversary was not in the New Jersey Herald. It was a great presentation, it was just a shame, he looked forward to looking at that in the Herald and there was nothing there.

Mayor Crowley commented he doesn't know why they didn't cover it, he personally called the paper before hand to tell them about it.

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Mayor Crowley asked how much do we get approximately [regarding the 2% tax from Service Electric Cable TV.]

Mrs. McHose commented we get approximately \$17,000 from the Franchise. The amount varies depending on users.

Mr. Limon commented he didn't see anything in there about an early out.

Mayor Crowley commented he would say an early out would depend on what happens with the competition. This industry will change a lot and it is very regulated by the BPU, but he doesn't think there is anything in our specific contract to break it though.

Mr. Limon commented he didn't see anything in there, this seems long and questioned a outage policy.

Mayor Crowley commented the outage policy is regulated by the BPU.

Upon roll call vote:

Ayes: Babcock, Dabinett, Giordano, Martinez, Snyder

Nays: Limon Absent: None Abstentions: None

Hillside Estates Mobile Home License Renewal

Mr. Giordano made a motion to approve the renewal of the 2016 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Substitute Crossing Guard

Mr. Giordano made a motion to confirm the Mayor's appointment of Barbara Formica as a substitute crossing guard recommended by Lynn Warr Prtorich, Head Crossing Guard. Seconded by Mr. Limon.

Mr. Dabinett asked how do we distinguish between a substitute crossing guard and a regular full time crossing guard.

Mayor Crowley explained.

There was a brief discussion regarding crossing guards.

Upon roll call vote:

Ayes: Babcock, Dabinett, Giordano, Limon, Snyder

Nays: None Absent: None Abstentions: Martinez

Application for Special Event Permit

Mr. Giordano made a motion to approve the application submitted by Elaine Tizzano and Mary Burns for a walk in Franklin Borough in conjunction with the Center for Prevention and Counseling to raise awareness of drug addiction. The event will take place on August 6, 2016 at the Franklin Fireman's Pavilion. Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on the COAH Municipal Shared Service Agreement

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A this time there was a discussion regarding the COAH Municipal Shared Service Agreement.

Mr. Ursin explained this was previously on the agenda, the situation with COAH is when COAH was a State agency they were putting forth numbers that were supposed to be a quota a municipality was suppose to work towards in providing affordable housing. Since COAH has been disbanded that responsibility has now been turned over to the Courts. You probably did your last substantive Borough's affordable housing plan 10 or 15 years ago. There was an update in 2009 but it was not a brand new substantive look, it was a summary of an old plan.

Mr. Ursin commented what is going on now, a number of towns got together, the Fair Housing People are putting together numbers that they are going to try and impose upon towns through the court process and the towns got together and said we should hire our own expert so we get a more balanced number. Mr. Ursin gave an example.

Mr. Ursin commented a number of towns got together to hire an expert, who is going to look at the trends and the capacities and to try and establish quota for the various towns. Eventually there will be some Court cases, whether or not Franklin ever participates in those, it depends on whether you decide to participate or depends on whether a developer who gets a development rejected brings you to Court and it becomes very relevant. It was originally proposed if 100 towns got together this study might cost each town \$2,000, two hundred towns have now joined. Unfortunately the first expert had a medical issue and is unable to continue he was a Rutgers professor. The group that is working on this got another expert whose is picking up off of his study and is going to finish it for a similar price. Mrs. McHose, David Brady, Esq., Ken Nelson and himself all had a meeting to look at this. It was their recommendation the four of us to you for the \$2,000 you are getting a lot of value that will either be used by you in a future COAH situation before a Court or in defense if a builder ever takes you to Court. For the money spent it seems very worthwhile.

There was a discussion regarding COAH always changing, this being a cost effective tool, COAH numbers, the Borough has done due diligence over the last years, the cost, COAH changing over the years, Fair Share Housing Association, if we don't participate will we not get access to the numbers, this is a measure to protect ourselves, why do we have to decide on this now, a time line on opting in, other towns involved in this in Sussex County, the information will belong to everyone in the group and is very hard to translate [numbers] from one town to the next due to demographics, different commercial districts and different utilities allocations.

Mr. Limon commented he would recommend to look into this the next few weeks for the next meeting.

Mayor Crowley commented we will put it on the agenda for the next meeting.

**ADDENDUM**

**Resolution 2015-89 renewal of liquor license**

Mr. Giordano made a motion to adopt resolution 2015-89 authorizing the Borough Clerk to renew liquor license 1906-31-016-001 Franklin Fire Department Inc. for the 2015-2016 licensing term. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Giordano, Martinez

Nays: None Absent: None Abstentions: Babcock, Limon, Snyder

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**MISCELLANEOUS COMMENTS**

Mr. Martinez commented on the guard rail and using Buckwheat as the alternative route [to school]. Mr. Martinez asked can we recommend to the County to put the guard rails on there.

Mayor Crowley commented it would be the State, there is no guard rail on the site plan, the applicant doesn't have to do this. We can recommend this to the State and they will come out and look at this.

Mr. Martinez asked if Mrs. McHose can check into this, it is important for us to look at that because he does see the traffic coming up from the children, even though a notice was sent out, God forbid something does happen, we still need to do something before that.

Mrs. McHose commented she will bring it up with the Chief and Officer Geddis.

Mr. Babcock commented it has been four months now that the three lights at the pond have been out, he has been asking for four months it is an embarrassment to our town.

Mrs. McHose commented we are in the process of getting multiple quotes for the work there it is not a simple change the light bulb the biggest cost is the truck we have to rent.

Mr. Dabinett commented Mr. Yanish made a comment regarding Main Street, we have a problem on Main Street, yes, but we have some lovely homes and great people living on Main Street too. Main Street is not an entire slum like Mr. Yanish made it out to be.

Mr. Martinez commented on no parking signs at the pond area. The cars are parking on the grassy area and on the fields again. If we can take a look at this and stop it.

Mr. Giordano commented on illegal dumping at the pond and taking the dumpster from there. Mr. Giordano reminded everyone the walking path is not being done with tax payer money it is being done with money that was gifted to the Borough.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Dabinett made a motion to adjourn into closed executive session to discuss attorney client privilege matters on Franklin Meadows. Motion seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:40p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 8:41p.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