

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
January 26, 2016**

Mayor 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. Dabinett, Ms. Fantasia, Mr. Limon, Mr. Martinez, Mr. Rathbun, Mr. Snyder, and Mayor Giordano.

Absent: None

Mayor Giordano led the assembly in the flag salute.

Mayor 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."

Mayor Giordano commented there are no presentations tonight however, we do have an executive session that we are going to move up to the beginning of the meeting for litigation. We are going to be adjourning temporarily for executive session. We will come back in about 15 minutes or less depending on how involved the Council is in executive session. The Council will be coming back to hear the entire agenda, we will be taking action on every item on the agenda there will be nothing taken off.

Mayor Giordano asked for a motion to go into executive session.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session to discuss litigation for Franklin Meadows, litigation for Connelly vs. Franklin Borough and OPRA/OPM matters. Motion seconded by Mr. Martinez.

All in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:40p.m. and Mayor Giordano asked for a motion to come out of executive session.

Mr. Martinez made a motion to come out of executive session. Seconded by Mr. Snyder. All in favor.

Mayor Giordano commented what we discussed in executive session was litigation that is listed on the bottom of the agenda Open Public Records Act, litigation was for Franklin Meadows and litigation for Connelly vs. Franklin Borough.

COMMITTEE REPORTS

Mr. Limon had nothing to report; he sees items on the Mayor's report he will address as such.

Mr. Dabinett reported on January 21, we had our Public Utilities meeting himself along with Mr. Rathbun, Mr. Snyder was busy, Mrs. McHose, Mr. Knutelsky and Mr. Guerin our Engineers attended. One of the items discussed, we have an order from DEP for compliance for Franklin Meadows water, that we have to provide backup power in case of an emergency. The second thing we discovered was NJ Department of Labor work force development order to comply, that deals with the floors of the borough garage on Corkhill Road. The third things we discussed was Advance Plumbing and Drain came into town today to begin their camera survey of the sewer lines along Franklin Ave and Rte 23. The committee also discussed reports from Liquid Engineering as a report on the four water tanks and the improvements they recommended, nothing major but there are some items on each water tank they thought we [the Borough] should address. Mr. Dabinett commented

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they discussed paving Main Street in its entirety from end to end and Rutherford Ave. end to end this coming year if funds are available.

Mr. Snyder reported the finance committee had a meeting on Friday night, Mr. Martinez, and Mayor Giordano attended. The committee went over some ideas with regards to looking forward to work the finance out. Mr. Martinez brought forth a purchase manual to look over; he had asked a few questions in regards of bills.

Mayor Giordano commented the purchasing manual that has been distributed it's a rough draft, a work in progress, it is a purchasing policy that is a revision from the current one that we have. It will modernize it a little and then explained.

Mr. Rathbun reported recreation by laws were written up and voted on. The bylaws are on the agenda tonight for council vote. Also Mr. Kidd came from the Scouts for their building bridges; they want to do relay races with boats or canoes, they do have chaperons and lifeguards on staff. Mr. Rathbun commented recreation approved it and said we would like for them to come forth to the Council so everything would be in place properly.

Mr. Prol commented with insurance it is an umbrella and on Borough property.

Mayor Giordano asked for a motion to approve the Scouts activities.

Mr. Rathbun made a motion to accept their relaying across the pond with the boats. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Mayor Giordano commented in the future, recreation can approve that or should they still run a notice to you [Mr. Prol, Esq.] for legal review.

Mr. Prol commented sure and if there is something unusual you can run it by Wayne Dietz for insurance coverage.

Mr. Rathbun reported last night we had a first public safety meeting. The committee discussed how we are going to meet, we are going to meet the fourth Monday of every month.

Mr. Martinez reported we did meet for financing, we are looking at the purchasing policy to see how we can revise them. With Fire and Safety we did meet with the Chief of Police, we are looking into approving our communications and seeing what needs they have and how we can work jointly to see how we can better improve Franklin Borough.

Mayor Giordano commented for the record, we do have committee assignments for Ms. Fantasia. Ms. Fantasia committee assignments will be building and grounds, finance, awards and EDC Liaison.

Mrs. McHose thanked the DPW for their excellent handling of the snow removal when we got almost 18 inches of snow. They deserve our thanks and of course she checked with them over the weekend because the majority of the work was done over the weekend, we had no major issues we had a few minor repairs that needed to be done on a plow.

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Mrs. McHose gave an update on the Bridge E-04. There is a meeting scheduled for this Friday with the Sussex County Engineering Department and our professionals as well as the Mayor. Repair work will be completed by June 24, 2016, that is a different date from what was originally reported in the paper. Mrs. McHose explained how she expressed to the County the concerns on the dates being changed. Mrs. McHose commented she received a call late Friday the County pushed the date back to June 24, not to interfere with the Carnival.

Mrs. McHose commented at the meeting on Friday they will discuss the coordination of the path at the pond, the guide rails and replacement.

Mrs. McHose commented on Friday there also is a meeting with NJTPA, which is the New Jersey Transportation Planning Authority, which is part of the DOT, they are the planning arm for the DOT, [and will be discussing] their project list. The Borough has been selected to be part of Street Smart New Jersey which is a pedestrian safety campaign. We were chosen because of our proximity to Rte 23, the size of our Borough and the fact we have a walk able community. We have walking, driving and public transportation options for our residents and visitors. We will find out information at the meeting and report back at the next meeting.

Mrs. McHose commented we have been awarded a Federal project that is for sidewalks that will go from the Robert Littell Viaduct Bridge, down 631 all the way to Buckwheat Road. Mrs. McHose explained because this is a Federal project we are part of a pilot program where there are four engineering firms that will be doing the design phase for this at no costs to us. What she has to do with Mr. Knutelsky is we have to meet with or talk on the phone with the four engineering firms and make a determination/recommendation to the Council and we will have that to you soon, probably at the next meeting.

Mr. Snyder asked Mrs. McHose if she was able to find out the information given last meeting with regards to 453 rte 23, apartments, if they are paying their taxes, is it a condemned building can we move forward on it.

Mrs. McHose commented it is not a condemned building, Theresa was out so she has not had a chance to find out. Mrs. McHose explained she did a lot of calls for delinquent taxes and she doesn't recall them on there and commented she will get back with the information.

Mr. Snyder asked about the owners of Franklin Dinner.

Mrs. McHose commented there was no response, she sent a message to Jeannie.

Mr. Snyder asked if anyone went out to inspect Corkhill Road.

Mrs. McHose commented she will follow up with Mr. Knutelsky.

Mr. Dabinett commented after the last meeting he asked Brian Vandenbroek to go down and look [at Corkhill Road] but hasn't talked to him on the subject since then.

Mrs. Mchose commented one of the things she is looking into [is going from] paper to paperless. Some Municipalities have switched to a tablet type system where each Council member is provided with a tablet and rather than put paper in front of you, you would have the information emailed to you and then you can flip through on your tablet.

Mayor Giordano commented that is something we can look into because it would pay for itself virtually immediately.

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Mayor Giordano reported the plowing went well, he wants the Council to take note the younger guys were out being trained by the older guys so if you did see two people in a plow they were actually using the snow storm as a training exercise which was a very productive thing to do.

Mayor Giordano commented our committees to his knowledge and his opinion the structure now is working well, obviously there are a few things we need to get going before everything is 100 percent. With the addition to having Ms. Fantasia on her committees and being set he is anticipating a lot of productive stuff we can get accomplished this year. Hopefully, by the second meeting in February we can get some goals from the committees.

Mayor Giordano commented the I & I structure moving forward is a real win for Franklin, it has always been a system problem that we haven't really addressed. Mayor Giordano commented he gives Mr. Dabinett a lot of credit and the committee, this is working very well.

Mayor Giordano commented he is going to ask the personnel committee to meet in the short term future, one of the things discussed with the Administrator, the attorney and himself is looking at reevaluating the handbook, whether we are going to revise it or scrap it all together. Mayor Giordano commented he thinks it is important the personnel committee takes that on this year, we have always allocated money for it.

Mayor Giordano commented we did not plow private property, we did plow properties that needed to be plowed for public safety issues. DPW came in on Monday and plowed Buckwheat Road. In the past this has been done with the Borough paying for it, with the property owner not having any expense, it is his understanding the owner of that property will get an invoice.

Mrs. McHose commented for clarification this is for sidewalks.

Mayor Giordano commented we will be entering into a formal agreement with the Rifle Club to carry over plowing in their parking lot, we are going to plow and they are going to provide us access to their facility for training our police officers; which they have done over the years on a hand shake bases. The reason why we are doing that is because a hand shake is not something that is legally binding and we want to make sure we do this so if there are any issues both parties are covered completely.

Mayor Giordano commented we have on the agenda tonight an ordinance that has been talked about in Franklin. Mayor Giordano explained the ordinance.

Mayor Giordano commented he has had discussions with the County regarding Bridge E-04. The County realizes this is important to the Borough and it is important the bridge is complete before the Carnival. Mayor Giordano commented they view the Carnival as a County event and has been assured by the County [Bridge E-04 will be complete]..

Mr. Dabinett commented in regards to the Rifle range and the plowing down there, we are all looking to save money, he thinks this agreement will work well for both parties.

Mayor Giordano commented when he spoke with Mr. Heller about this, he was in agreement with having something on paper it was a good idea. It is an agreement that should have been done a long time ago.

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Mr. Dabinett commented at this point the pistol range has not been plowed and it won't be plowed unless Mr. VanDenbroek is told to do so. Since we have plowed it for the past 40 years without any problem, Mr. Dabinett asked at this point the Council authorize Mr. Vandebroek to go down there and plow [the Rifle club] so their members can use it.

Mr. Dabinett made that a motion. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

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.

No one from the public stepped forward.

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

CONSENT AGENDA

Mayor 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):

1. Letter dated January 11, 2016 from Anne-Marie Wilhelm, Land Use Administrator Re: Public Hearing to consider an amendment to the Land Use Element of the Township of Hardyston Master Plan.
2. Letter received January 7, 2016 from Steve Halsey, US Department of Housing and Urban Development to John Ambrosio Re: Warning Letter Regarding Unacceptable Physical Condition, project name, Concetta Towers.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Quarterly Registrar report for October 1, 2015 to December 31, 2015.
2. 2015 Annual Raffle Report.
3. Health Department report for December, 2015.
4. Tax Department report for December, 2015.
5. Construction permit activity report for December, 2015.
6. Municipal Court report for December, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Vending machine license renewal application for Redbox Automated Retail LLC. machines located in Wal-Mart.
2. Vending machine license renewal application for Wal-Mart Store 2090 machines located at Wal-Mart.
3. Vending machine license renewal application for Vendomatic Inc machine. located in the Dollar tree.
4. Vending machine license renewal application for Double M. Vending machines located at Koz's Korner.
5. Application for use of the Senior Center by the Walkkill Valley Girl Scouts on May 13, 14 and 15, 2016, from 5:00PM on May 13 to 12:00 noon on May 15.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 26, 2016.

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Mr. Limon made a motion to approve the consent agenda of January 26, 2016.
Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Snyder commented we had spoken about this years ago, it is the LOSAP program. Mr. Snyder commented this would help the volunteers of the town if we could implement something with LOSAP (Length of Service Awards Program). There are other towns that have this, it is working out all he needs to have a representative, someone going over it with us and how we can get this program started.

Mr. Snyder commented in July 29, 2015, [is the] New Jersey Legislature were two bills S781 to update OPMA and S782 to update OPRA. Mr. Snyder asked where this bills might be, if we can find out.

Mrs. McHose commented she will find out if the bills are moving, in committee and she will report.

Mr. Prol commented he didn't think they [the bills] were going anywhere.

Mayor Giordano commented if the Council would like to entertain LOSAP it would be beneficial to have someone put together a presentation or have an outline of how that program works.

Mr. Snyder commented he does have a lot of paper work but it would be to get that person to start the program for us.

Mayor Giordano commented to give the paper work to the clerk so she can make copies for the Council.

Mr. Snyder commented he thinks he gave the paper to Mrs. McHose.

Mrs. McHose commented she discussed this with Monica Miebach, CFO, at a finance meeting last year. The biggest issue with it is where do we get the money to fund it. It is a great program in concept, we want more volunteers to sign up for both our ambulance squad and fire department. It is a matter of structure, maybe we can get another town to come and give their testimony as to what they went through and how they went about it. Mrs. McHose commented she will check with Mrs. Miebach for the finance side.

Mr. Snyder commented he believes that Hardyston is involved with that, Newton also has that [program].

Mayor Giordano commented if the funding isn't available now you can take what funding we can get and move that towards getting the program started.

Mrs. Mchse commented it is basically an insurance program for the volunteers, they track hours of active service on fires and calls, then you earn credits.

NEW BUSINESS

Approval of the Minutes

Ms. Fantasia made a motion to approve the regular meeting minutes and executive session meeting minutes for January 12, 2016. (Absent: None)

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Mr. Dabinett commented he has a problem before the motion is made, on page 9, it is a quote from him. He was questioned by Mrs. Tatka as to what John Rome's salary is now.

Mayor Giordano commented he believes she asked me that question.

Mr. Dabinett commented the minutes have \$47.01, the amount should be \$27.01.

Seconded by Mr. Limon with the amendment. Ms. Fantasia agreed with the amendment.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Application for Senior Center

Ms. Fantasia made a motion to approve the application for use of the Senior Center by the Franklin Historical Society for the second Wednesday of each month at 7:00PM and to waive the fees. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2016-22 Transfer Resolution

Ms. Fantasia made a motion to adopt resolution 2016-22 to transfer \$7,000 from Current Fund General Admin OE to Current Fund Legal Services. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2016-23 Coin Toss Fundraiser

Ms. Fantasia made a motion to adopt resolution 2016-23 approving Wallkill Valley First Aid Squad coin toss fundraisers contingent upon receiving any necessary County or NJDOT approval and complying with any request, recommendation or directions of the Franklin Borough Police Department. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2016-24 Rejecting Bids

Mr. Rathbun made a motion to adopt resolution 2016-24 rejecting bids for the lease of space on the Evans Street Water Tank, 19 Evans Street, for the installation of cellular communication equipment with letter attached from Angelo Bolcato, Esq. dated January 20, 2016, along with the bid received. Seconded by Mr. Limon.

Mr. Prol, explained the resolution and rejecting the bid.

There was a discussion regarding the bid and bid specs.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

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Resolution 2016-25 Surplus Property

Mr. Rathbun made a motion to adopt resolution 2016-25 authorizing the sale of surplus property owned by the Borough of Franklin through Govdeal.com pursuant to State approved contract. Seconded by Mr. Dabinett.

Mayor Giordano explained the resolution. There was a brief discussion.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Mayor Various Appointments

Mayor Giordano explained his appointments.

Mr. Rathbun made a motion to confirm the following Mayoral Appointments, Seconded by Mr. Limon.

Recreation

Member 5 Year term (term expires 12/31/2020) Kevin Karpowicz

Alternate 2 4 Year term (term expires 12/31/17) Cathy Martinez

EDC

Member 1 Year term (term expires 12/31/16) John Postas

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: Martinez

Franklin Recreation Commission By-Laws

Mr. Rathbun made a motion to approve Recreation Commission By-Laws submitted to Mayor and Council by the Board of Recreation on January 19, 2016. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Discussion on Borough email address

At this time there was a discussion regarding Borough email address assignments for appointed Board members such as Planning, Zoning and Recreation.

Mayor Giordano commented he is [in favor] of giving all Borough volunteers Borough emails for protection of the individual and the protection of the Borough as a whole. There is a cost involved, he hopes the Council will take the opportunity to provide our Board members security and their privacy to allow them to have Borough email addresses.

Mrs. McHose commented there is some overlap with some of the Boards, she can prepare a list and a resolution and have the CFO certify an amount. They are approximately \$120.00 to \$125.00 per email account to add to our system. Since you don't have an amount to vote on, you can do a consensus.

Mayor Giordano commented the consensus of the Council is to move forward with this and have it as a formal agenda item at the next meeting for approval.

Mr. Martinez commented he would say yes.

Mr. Snyder commented on we wanted open honest government with expenditures we have, we are not doing that right now.

Mayor Giordano commented we are going to have the dollar figure on the agenda.

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Mr. Prol commented this isn't an approval.

Discussion on the Cancellation of the Franklin Carnival

At this time there was a discussion regarding the Cancellation of the Franklin Carnival due to the County delay on the E-04 Bridge replacement and the uncertainty of their schedule.

Mayor Giordano commented we can put this one to rest, the Freeholders gave us plenty of assurance we will go over this on Friday.

Mr. Martinez asked in the contract we have with the Carnival, is there a rescheduling fee, can we reschedule.

Mayor Giordano commented it has not been signed yet.

Mr. Martinez commented that is something we can look into just in case something comes up that may delay it.

Mayor Giordano asked if Mrs. Giordano [in the audience] if she knew a date the contract had to be signed by.

Jennifer Giordano commented there is no date it has to be signed by, the only problem with the contract there is no cancelation fee but the Carnival Company only has that one week during the summer months. If we wait too long or we sign it and we can't commit to it we will lose that Carnival Company to the following year.

There was a discussion regarding the Carnival, roads being closed if the bridge isn't complete and would it impact the attendance.

Rules of the Mayor and Council

Mr. Martinez made a motion to adopt the updated January 26, 2016 rules and regulation of the Mayor and Council of the Borough of Franklin for the calendar year 2016. Seconded by Mr. Limon.

Mayor Giordano explained the changes.

Ms. Fantasia commented in sections 8 times it happens, the document makes every effort to make the document to be gender neutral but it isn't eight times. Ms. Fantasia read an example. Ms. Fantasia will forward the corrections to the clerk.

Mr. Martinez amended his motion to allow for the changes to make the document gender neutral. Mr. Limon amended his second.

Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Introduction to Ordinance 01-2016

Mr. Martinez made a motion to introduce an ordinance entitled "PROPERTY MAINTENANCE - RESPONSIBILITY OF LANDLORDS FOR DISORDERLY TENANT BEHAVIOR PURSUANT TO N.J.S.A. 40:48-2-12N ET SEQ. Seconded by Mr. Limon.

Mr. Prol explained ordinance 01-2016.

There was a discussion regarding the ordinance.

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Upon roll call vote:

Ayes: Fantasia, Limon, Martinez, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: None

Public hearing will be held February 9, 2016.

OPEN PUBLIC SESSION

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

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd asked if the engineering meeting for the E-04 Bridge is open to the public. Who on the Council is the liaison he can forward comments to.

Mayor Giordano commented he would love for you to be there, you are a very knowledgeable guy, he would be more than happy for you to sit in if you would like.

Mrs. McHose commented she will email you[Mr. Kidd] the information.

There was a discussion regarding the meeting.

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

MISCELLANEOUS COMMENTS

Mr. Martinez commented the Weis light is up and operationally, he hasn't seen any problems at all, in fact the traffic is moving a lot smoother. There was a brief discussion regarding the new traffic light.

Mr. Martinez thanked DPW for their great job during the snow storm. Mr. Martinez commented on the pond track; we are moving on the track, he headed that committee and thanked other members who were involved with the committee.

Ms. Fantasia commented Mr. Limon is aware of this, along with the Mayor and Mr. Rathbun and mentioned again to follow up of the two street lights on Corkhill.

Mayor Giordano commented he sent an email to Jackie Espinoza, Jersey Central Power and Light, to find out what the Borough can do to have another street light.

There was a discussion regarding the street light.

Ms. Fantasia thanked everyone for all the support she received.

There was a discussion regarding going paper less. Mayor Giordano asked Mrs. McHose to look into the cost.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Martinez made a motion to adjourn the meeting at 9:45p.m., seconded by Mr. Snyder. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk