

**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
April 12, 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 at this time he would like to ask our former Mayor's to step up to the microphone, we had a passing of Jim Doherty, who was a long time Municipal Clerk/Administrator in Franklin. Mayor Giordano commented he asked Mayor Hodas and Mayor Durina [to speak].

Former Mayor Hodas, Franklin, stepped forward. Mayor Hodas thanked the Council for inviting him. Mayor Hodas commented he personally invited and hired Jim Doherty in 1986, when our Borough Administrator retired. Jim was a former school teacher in Bergen County; but he met all the requirements of our resumes that we sent out. Jim was a quiet type gentleman, he did his work and made many improvements in the Borough of Franklin. Jim was noted for writing many memos very thoroughly and efficiently. Mayor Hodas commented he had the privilege of remaining friends with him for 30 years, went to his wedding, watched his children grow up, we stayed for diner several times but one of our requirements was we never talked about politics or people we just enjoyed one another's company. He was a great asset to the Borough of Franklin which we needed at that time.

Former Mayor Durina, Franklin stepped forward. Mayor Durina commented Jim Doherty, Clerk/Administrator for Franklin from 1986-1995; passed away on Sunday, April 3, 2016 at the young age of 57. Mayor Durina commented Jim left Franklin with good wishes, he advanced his career to work for Chester Borough, Morris County; Jim was employed by the Township of Wantage a dream come true for Jim because that ended up being his home town. Jim was Clerk/Administrator there for 15 years in 2011 Jim was honored Clerk of the year by the State of New Jersey. That is a great honor. In 1986 his good friend, Democrat and Mayor before him hired Jim Doherty. The Mayor [Hodas] had a long lasting friendship with Jim Doherty, when he was elected Mayor a couple of years after Mayor Hodas retired, he didn't know whether Jim was a republican or democrat but he did know he liked Mayor Hodas better than me so he must have been a democrat. Mayor Durina invited Rachel Heath who worked with Jim and later was our clerk/administrator to speak.

Rachel Heath, Franklin, stepped forward. Mrs. Heath commented she first met Jim Doherty when Rose Fletcher retired, he was the first clerk/administrator for the Borough of Franklin so it was a new hat that he wore. At that time Mrs. Heath worked part time for the Borough of Franklin, Municipal welfare director, accounts payable and small cities administrator to name a few. For a short time Mrs. Heath left the Borough to pursue a full time career, in 1994 Jim called her and informed Mrs. Heath the Deputy Borough Clerk was retiring and asked if she would apply for the job. Mrs. Heath commented she couldn't wait to come back home. Although she was 17 years older than Jim, he was her mentor, he encouraged her to attend Clerk's classes, taught me about ordinances, resolutions and transcribing meeting minutes to name a few. Many newer clerk's had Jim as their instructor for their election certification classes. Jim would always reach out to any new clerk and offer

**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
April 12, 2016**

his assistance and knowledge. Jim was a true negotiator, he would listen to your concerns and do everything in his power to resolve the matter or issues. He treated all of his employees with respect and on a note Jim was the only Borough clerk that she ever knew that would try and transcribe meeting minutes from his notes and he will be missed by all.

Former Mayor Durina, commented Jim Doherty, the journey of a champion. Champions are made they are not born, they are made through hard work, and that was Jim Doherty. Jim graduated college in 1980, he was a high school history teacher and in 1988 while Jim worked here he received his clerk's certification, one of many. Jim was a Master Municipal Clerk, the highest certification that a Municipal Clerk can receive. No other person in the history of New Jersey has ever held all the certifications that Jim earned. Yes Jim [Doherty] was a champion. When Jim left Franklin it was like a bird leaving the nest and as you know he was going to fly high with the eagles and that is what he did when he left Franklin. We can say farewell to our friend who has earned the respect of people he worked with, Mr. Doherty, the man, the husband, the father, the friend, the Administrator of the century. We of Franklin our blessed that Jim's journey of successful career led him through our lovely town. As Gail Hodas said at the wake, it all started in Franklin.

Alison Littell McHose, Franklin Borough Administrator, stepped forward. Mrs. McHose commented she is fortunate to have known and worked with Jim Doherty, he was an amazing man, he was the election guy, every time you had a question about elections, Robin and Rachel will attest he was the guy you called. He will be missed, unfortunately he didn't have the opportunity to get with him in this past year to hear some of his institutional knowledge on Franklin. Jim was a wonderful man, rest in peace.

Mayor Giordano thanked everyone for attending and their kind words about Jim Doherty. He was a big addition to Franklin and he made a lot of good things happen that we still profit from in Franklin today. The world is a lesser place without him being here.

COMMITTEE REPORTS

Mr. Limon reported there were 33 original applicants for police officer, they are down to 6 and the committee recommends that Mrs. McHose move forward with the 6. That would bring the count up to 14 plus Chief McInerney would be 15.

Mayor Giordano commented they did interviews over the last few days, the candidates are down to 6, the police would like to bring them in tomorrow for a second interview and then offer conditional hires to the [2] to move on with background investigations and move forward. If the Council is agreeable to that, we already approved the hires previously we just want to give Mrs. McHose the ok with the conditionals.

Mr. Dabinett commented as a member of the police and fire committee which Mr. Rathbun is chairman, he is the member of, will at any time will we have input into that process.

Mayor Giordano commented absolutely, before they make the final hire it will go to the committee to make a final decision before it goes to the Council.

Mr. Dabinett reported this past Thursday our Public Utility Committee had a meeting, we had two applicants come before us, one party wants to make a business on Route 517 and turn it into residential properties. Another gentleman came forward and wants to bring in a laundry mate into Main Street. We met with both parties, we had discussions with them, we gave them applications. Mr. Dabinett commented he asked them to come back with their applications and escrow money, to our next

**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
April 12, 2016**

meeting so we can progress further. Mr. Dabinett commented we continued to talk about paving Main Street, at this point, the Borough received another grant for \$165,000 from the State of New Jersey, along with the \$140,000 we already have. We are going to widen Main Street between Junction Street and Parker Street, for additional parking. We hope there is money available he thinks there is from a pre-existing bond ordinance, we hope to pave Rutherford Ave. from Route 23 by Reds Deli down where it turns back to Rte 23 in the vicinity of TD Bank and the traffic light. We hope and plan to be under way by Mid July with this paving. Mr. Dabinett commented on the continuation of High Street and the parcel of Junction Street that wasn't paved previously will be incorporated in these plans.

Mr. Snyder reported, with regards to Buildings and Grounds, he is still trying to put the meeting together with the two other Council members. We are going to try to work on that this week and give a report at the next meeting.

Mr. Dabinett commented in conjunction with our road paving program, Brian VanDenBroek is bringing in other people to do a video survey of Main Street and portions of Rutherford Ave that haven't been done as of yet. So when we do pave this coming year you won't find any problems.

Mayor Giordano commented that is important, our mission is to inspect the water and sewer conditions before we actually pave the roads, we don't want to be paving over anything that needs to be cut or work done. So if there is work that needs to be done we want to address that before we pave the roads.

Mr. Snyder asked was the ordinance changed if the road needed to be torn up we can set that for 5 years not to have that be done. We should do that as soon as possible because the bids will be going out.

Mr. Dabinett commented there will be a moratorium on roads once they are paved for a five year period.

Mr. Rathbun commented Recreation held the Spring Fling on Saturday, April 9, it was a huge success and we would like to congratulate the Senior of the Year Richard Knop. Recreation had planned a spring fishing contest then we had cancelled it due to lack of funds. Braen Stone has donated \$2,500 for us to buy fish for the contest so right now it is scheduled for May 7 contingent upon Recreation approval from this Thursday. Mr. Rathbun commented on field use fees increase, recreation would like to increase the fees, the ordinance [committee] had spoken about it. He isn't sure if that needs to go to the buildings and grounds committee or if that can just come to Council for approval to increase.

Mr. Rathbun commented he met with people from softball, the shed where they keep their equipment has mildew in there. If you recall a couple of years ago they had a leak where they needed to replace the roof. Since then mildew has started to grow in there. If we could try to address that as soon as possible. Another thing, the condition of their field over the years it has been compacted down, at this point now it's making a serious safety issue. It is like having the girls play on a parking lot, when they go to slide into base they are coming up with road rash. We are looking into having a company come out to address this and explained how and the cost. Mr. Rathbun commented he thinks at this point in time maybe we should have DPW go down with the backhoe, this should be addressed before the season starts.

Mayor Giordano commented why don't we authorize Mr. VanDenBroek to go down there with the backhoe and do some scratching with the backhoe. Mayor Giordano asked if anyone was opposed to have Mr. VanDenBroek go down [to the field] and do that.

**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
April 12, 2016**

Mr. Martinez commented nothing more to report then what Mr. Limon and Mr. Snyder had covered.

Ms. Fantasia reported this Thursday, the EDC has one of their two joint meetings, at 7:00 we meet in Hardyston. Ms. Fantasia commented the Spring Fling was wonderful, it was her first Spring Fling she attended, Recreation did an outstanding job, the food was delicious and everyone seemed to have a good time.

Mrs. McHose commented in coordination with Hardyston, she reached out to them we had one meeting already about the Littell Center, we are having a second meeting that is more detail oriented to the programming. Communication is much better in the short time we reached out. Mrs. Mchose commented the personnel committee met. We will be starting interviews for DPW; one position we advertised for, we had a little over 30 [applications] to come in for this position.

Mrs. McHose commented the ad for the paving of the park, the bid specs will go in the paper this Friday, we anticipate it being opened the first week in May and work to commence the last week in May or the first week in June and to be ready the first week in July right before the Carnival. We anticipate a ribbon cutting and looking forward to that improvement of the pond.

Mrs. McHose commented she worked with Tom Knutelsky to finalize our decision on the engineering firm for the Fowler Street side walk project that goes all the way to Buckwheat Road. We are part of a pilot program, for no charge we are afforded with an engineering firm to do the design work on that project, we choose one firm out of four after reviewing their criteria.

Mayor Giordano commented that is for Safe Route to School.

Mr. Prol, Esq. commented he will cover matters as they move forward. Mr. Prol commented yesterday he received a letter from Mr. Brady, the Planning Board Attorney [regarding] a proposed ordinance on a change from the Master Plan Re-examination Report dealing with the HC zone. The Planning Board will be recommending to the Council a partition of the HC zone along Rte 23 into two separate zones, HC 1 and HC 2, some of the lots would have a less than 5 acre development minimum. That will be addressed at the next meeting.

Mr. Prol commented he reached out to Habitat for Humanity regarding how they would like to handle the Council's suggestion that we turn over three of the lots the Borough was not able to sell at public auction. To donate them to Habitat for Humanity, they have an attorney who will represent them and we will proceed with that.

Mayor Giordano thanked Braen Aggregates for donating a good amount of money to allow Franklin Recreation to have a fishing contest at the pond. The pond is very important to Franklin as a whole, it is one of the places that attract people to our town. If we can't swim in it we should make it a fishing hole. We are going to be looking for a Master Plan for the rehabilitation of the pond.

Mayor Giordano commented we have received over \$300,000 in grants, that is to pave Main Street. The Borough has done very well with DOT grants for paving Main Street.

Mayor Giordano commented he wanted to remind everyone the budget hearing is at the next meeting, we have been able to have a 1 percent deduction in the municipal levy which is a very good thing and is very proud.

**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
April 12, 2016**

Mayor Giordano commented the bids for the pond walking path as Alison said will be in the paper on Friday, our target is to have a ribbon cutting on the first day of the Carnival. Mayor Giordano invited Mayor Hodas and Mayor Durina to come to that ceremony because he believes you supported recreation tremendously while you were Mayors. It would be very nice to have you come back and help us open up the new path.

Mayor Giordano commented a VA center has opened, it is a health clinic, on Wyker Road, through Catholic Charities. We are happy they are bringing in some services for our Veterans to Franklin.

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. Snyder. All were in favor.

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented on the last meeting an attorney was approved Bowkely for something about a hearing, what is that hearing.

Mayor Giordano commented it is a personnel matter, he can't discuss personnel matters.

Mrs. Tatka commented so much for open Government

Mayor Giordano commented it is the law, he would love to say to you I can give you all the details unfortunately I can't and hopefully you respect that.

Mrs. Tatka commented if the Road Department checked the pond at the corner of Maple and Wildcat and explained the issue.

Mayor Giordano asked if the Borough owned the property. Mrs. McHose commented she thinks it might be DEP and will check.

Mrs. Tatka asked why did the number of police get increased. Mayor Giordano explained why [cut down on overtime issue].

Mrs. Tatka asked if there was a new residential building going up on 517. Mr. Dabinett commented that is Sterling Plaza, where the Bank used to be, he wants to make that residential. Mrs. Tatka asked where Main Street was going to be widened. Mayor Giordano explained the location and to increase parking. There was a discussion.

Mrs. Tatka commented she enjoyed the Spring Fling, she thinks there were more people there this year, the decorations were nice, they did a very good job.

Jackie Espinoza, representing JCP & L, stepped forward. Ms. Espinoza commented she wanted to give a special thanks to Chief McInerney, Jim Williams, OEM Coordinator and Brian VanDenBroek, DPW Supervisor because last week when we had the wind storm; they were fantastic and explained what happened during the storm. They did a great job and we worked together as a team. Ms. Espinoza commented on Sussex County day and explained some events for that day.

Mike Raperto, 13 South Street, Franklin, Captain of the Franklin Fire Department, stepped forward. Mr. Raperto asked the surplus equipment of the Walkkill Valley First Aid Squad, the hydraulic rescue tools, was there any progress.

**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
April 12, 2016**

Mayor Giordano commented he didn't have anyone call him back. Mrs. McHose commented they called her back, we are getting there, we are going to have a meeting to discuss it, we are working on it.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath thanked the Borough office employees for providing food for her family, the Public Work employees for their beautiful card, Mayor Giordano and Council as well as Chief McInerney for taking the time to pay their respects to Tom. Mrs. Heath commented she would like to thank Lt. Jeff Smith and Pt. Jesse Babcock for responding to their home when we called for transportation for Tom to go to Chilton Hospital. Special thanks to Lt. Smith for helping lift Tom down the stairs. Your generosity and thoughtfulness is greatly appreciated by our whole family.

Mrs. Heath commented she and Tom have been residents of Franklin for 39 years, she was also a volunteer for the Walkkill Valley First Aid Squad for about 5 years. One Sunday February 21 because of Tom's health the Doctor asked for Tom to be transported to the emergency room at Chilton Hospital, since it was not a medical emergency we called 911 and requested transportation to the Hospital. Lt. Smith and Pt. Babcock responded to their home, after a short time Lt. Smith informed her the Walkkill Valley Rescue Squad was not responding to the call even though they were supposed to be on call for the weekend. An ambulance had to come from Saint Claire's Hospital in Denville, it took almost one hour for them to arrive. Mrs. Heath commented I cannot question why the rescue squad did not respond to our call when they were supposed to be covering for Franklin. The billing for the transportation was \$1,648.00, she is fortunate to have insurance to cover the bill. Mrs. Heath commented it is very disheartening.

Mayor Giordano commented we have been trying to address the issue with the ambulance over the past few years; he knows the police to kind of keep track of this, we have had a lot of people go away from the volunteer squads. Mayor Giordano commented to Mrs. Heath, he is very sorry that had happened.

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. Snyder. 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. Town of Newton 57-2016 Resolution to support Sussex County CLEAR Program-Community Law enforcement Addiction Recovery.
2. Letter from Karen McDougal, President of the Walkkill Valley Rotary Club to Mayor and Council Re: 70th Anniversary Dinner.
3. Letter dated March 24, 2016 from Catherine M. Williams, Clerk of the Board of Chosen Freeholders to Ms. Bakalarczyk, Hardyston Township RMC with RE: Concurring resolution for Ordinances Establishing Speed Limits for Both Direction of Traffic along Sussex County Route 631 within Franklin Borough and Hardyston Township.
4. Letter dated March 24, 2016 from Richard T. Hammer, Acting Commissioner, NJDOT to Mayor Giordano cc Municipal Clerk and Municipal Engineer RE: The Borough been selected to receive funding from NJDOP Fiscal Year 2016 Municipal Aid Program for Main Street, Phase II.
5. Letter dated March 31, 2015 from Richard T. Hammer, Acting Commissioner RE: Safe Routes to School request for Applications.

**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
April 12, 2016**

6. Sussex County Board of Chosen Freeholders Resolution Re: Resolution appointment of Ron Tappan as Acting County Administrator for the County of Sussex.
7. Township of Hardyston Ordinance 2016-03 amending chapter 185, "Zoning," of the Township Code adding the R-5 attached single Family/Multi-family Residential Zone District and Use and Bulk Regulations.
8. Stillwater Township, Resolution 2016-58 resolution to support Sussex County Clear Program Community Law Enforcement Addiction Recovery.
9. Memo dated April 1, 2016 from Alison Littell McHose, Administrator and Robin Hough, RMC/CMR to Mayor and Council re: 2015 Trust Fund Monitoring Report.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Registrar quarterly report for January 1, 2016 to March 31, 2016.
2. Tax Department report for March, 2016.
3. Construction permit log for March, 2016.
4. COH report for March, 2016.
5. Construction Permit Activity Log for March, 2016.
6. Zoning Officer report for March, 2016.
7. Municipal Court report for February, 2016.
8. Police Department report for March, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Confirm the approval for Use of the Senior Center application by the Franklin Boy Scouts for April 12, 2016 from 7:00pm to 9:00pm.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 12 , 2016.

Mr. Limon made a motion to approve the consent agenda of April 12, 2016.
Seconded by Mr. Dabinett

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION:

Mayor Giordano commented we are going to go into executive session now so we can have the attorney in and out.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES;

Mr. Prol commented the items we will be discussing in executive session will be with Mr. Brady regarding the Planning Boards proposed bifurcation of the HC2 zone, will be discussion item number 8 on the new business agenda to terminate water service and the Hungarian Church.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Tom Prol asked if all were in favor.

All were in favor.

**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
April 12, 2016**

After meeting in closed session, the Governing Body returned to their seats at 9:07p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mayor Giordano commented Dave Brady, Esq. is representing the town in regards to the Hungarian Church. Tom Prol has a slight conflict he feels so he is representing the town with Sussex Bank in regards with the lease on the church.

Mrs. McHose commented we received a proposal from Mugs Media to do a cable TV show promoting Franklin and activities in town. We had talked about a way to promote the Carnival, the Farmers Market and other upcoming activities whether it be the Mineral Show, as overall positive half hour program that would be done six times a year, so every other month we would do a program. The options we have are to have the Borough fund this program outright, each show is \$1,500, the other option is for us to get sponsors. We can also have these videos available on our website, Facebook page or a You tube channel.

Mayor Giordano commented when he was elected Mayor and sworn in one of the things he really wanted to do was expand the role of EDC, so they would have a budget. We have given EDC a budget which should sustain some of this work. Councilwoman Fantasia had talked about doing some TV or production or some videos of some sort for Franklin. We have the opportunity to go with a person with a very reasonable rate, so what he would like to do is refer this to the EDC, recreation is going to take part in this because we would like the Carnival covered. The Chair of Recreation was at the meeting for this so this would be an EDC project; get them to work on it, vote yes or no and hopefully support their decision at the Council.

OLD BUSINESS

Mr. Snyder commented with regards to the ongoing LOSAP possibly, we had received an email from Robin from Hardyston, the way they presented it through an ordinance. Mr. Snyder commented he would like to move forward with this we need to look it over because we have to get it on the ballot if we decide to do this. Mr. Snyder asked what the time frame would be to get a question on the ballot.

Mayor Giordano asked to get back to the Council on the time frame for a ballot question and if there is a cost to the Borough.

Mayor Giordano commented the Attorney just advised him to discuss what was talked about in closed session. Mayor Giordano commented the first topic he wasn't involved in was the HC zone approval through the Planning Board was discussed briefly, topic two was the Hungarian Church, it's status with its lease and where we are going to with relation to sell it or the request Sussex Bank has made and the last topic had to do with the termination of water which is agenda item number 8.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes March 22, 2016. (Absent: Limon, Ms. Fantasia arrived at 7:55PM) Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Dabinett, Martinez, Rathbun, Snyder

Nays: None Absent: None Abstentions: Fantasia, Limon

Adoption of Ordinance 07-2016

Mr. Rathbun made a motion to adopt Ordinance 07-2016 "CALENDAR YEAR 2016, ORDINANCE 07-2016 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)" Seconded by Mr. Snyder.

**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
April 12, 2016**

Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 07-2016.

No one from the public stepped forward.

Mr. Rathbun made a motion to close to the public ordinance 07-2016. Seconded by Mr. Dabinett. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 08-2016

Mr. Rathbun made a motion to introduce ordinance 08-2016 entitled "FIRE DEPARTMENT CAPITAL PURCHASES AN ORDINANCE APPROPRIATING THE SUM OF \$28,278.81 FROM RESERVE FOR FIRE DEPARTMENT EQUIPMENT BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Martinez, Rathbun

Nays: None Absent: None Abstentions: Limon, Snyder

Public hearing will be held April 26, 2016.

Resolution 2016-46

Mr. Dabinett commented he would like to table this next item resolution 2016-46; he moves to table. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Martinez, Rathbun

Nays: Limon, Snyder Absent: None Abstentions: None

Littell Community Center Shared Service Agreement

Mr. Rathbun made a motion to approve the Littell Center Shared Service Agreement from in the sum of \$48,584.00 for a two year period of January 1, 2016 through December 31, 2017. (Agreement provided in the Council packets) Seconded by Mr. Dabinett.

Ms. Fantasia commented what we had discussed at the meeting with Mr. Dabinett, herself and Mrs. Mchose was specifics of that agreement and some of the other benefits that come along with it. Ms. Fantasia commented she doesn't know what our time line is to actually approve it whether we have to approve it immediately because it is retroactive to January 1, of this year. Ms. Fantasia commented she would prefer if the whole Council had the full information we received from the meeting before we make a decision.

Mrs. McHose commented the first payment was due on March 31, for the quarterly payment, if we don't take action, she thinks there is continuation language from the last lease, she doesn't think two more weeks would cause a problem but doesn't know. Mrs. McHose commented she received reports that were missing. She will compile that and give to the Council.

Mr. Prol commented he has the old lease, which is similar, there is no interest or penalty for not making a timely payment, technically it would be in breach but it would be up to the other party to call a breach.

**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
April 12, 2016**

Mayor Giordano commented we have a motion and a second.

Mr. Dabinett commented he removes his second. Mr. Rathbun commented he will also remove his [motion].

Mr. Martinez made a motion to table the Littell Community Center Shared Service Agreement to the next meeting. Seconded by Ms. Fantasia.

Mr. Prol commented a motion was made and seconded, under Roberts Rules once that occurs then that belongs to the body, it can't be withdrawn, nobody can withdraw a motion or second. However, there's a superseding motion which is the motion to table. The vote is to proceed on the motion to table.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Containers Located at Franklin Pond

Mr. Dabinett commented he is not in favor of this when Mayor Giordano asked him to read the motion. Mr. Dabinett read a motion is in order to remove/move the containers located at the Franklin Pond.

Mr. Limon made a motion.

Mayor Giordano asked the Council do you want to remove them or move them. Mr. Kidd is in the public and he has items in the container and might want to be part of the discussion and asked if anyone was against Mr. Kidd stepping forward.

Mr. Snyder commented he looked into whether or not it would be any liability moving them from the present location and putting them into another location the Council had spoke about. It came down to if it was a problem with zoning, with that happening, he wanted to make sure if it is going to be done whether it would be legal to do that.

Mr. Dabinett commented he had the zoning officer down there and we both looked at the spot, he has no problems with it.

Mr. Prol commented this issue would be whether there would be an enforcement action taken. The Borough zoning officer has indicated none will be taken.

Mayor Giordano commented we would be liable no matter where we move them unless we remove them completely and explained.

Mr. Dabinett explained on a Saturday morning he went by the pond and saw the Little League container open and went to speak to them. Mr. Dabinett commented they would like those containers moved, they liked the idea where we suggested moving them. Mr. Dabinett commented the third thing the container is as clean as a whistle. Mr. Rathbun came down and talked to the same people that Mr. Dabinett spoke to and confirmed.

Mr. Snyder made the motion to open to the public for the discussion on the containers. Seconded by Mr. Dabinett. All were in favor.

Mr. Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented unfortunately the container the Girl Scouts use is not in as good condition as the baseball. We do have water leaks inside the container, all of our equipment is stored in the front not where it leaks so it doesn't get water damaged. Mr. Kidd

**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
April 12, 2016**

would still like to show the Council the condition of the container. Mr. Kidd commented he is not objecting to having them moved. We would like to remove some of the equipment before the move so it doesn't get damaged. His troop that uses the container is for the older troops, there isn't a succeeding troop to take custody of the container the future need of the storage is not defined and suggested save the baseball container and maybe the scouts can find some other location to store their equipment. The container the Scouts are using isn't worth salvaging.

Mayor Giordano commented we will work with you in finding a place for storage, there is the old life guard shack that recreations uses to keep letters for the sign.

There was a discussion on moving the container, costs to move, how much more time the Scouts would need storage, storage mainly for the building bridges event and using the guard shack.

Mr. Rathbun made a motion to close the meeting to the public for the discussion on the containers. Seconded by Ms. Fantasia. All were in favor.

At this time there was a discussion on the condition of the containers, why would we keep a container that would cause us problems, remove both containers or retain one and remove one.

Mr. Martinez commented Mr. Limon had made a motion before we had the discussion.

Mr. Limon commented he was ceased on that he never finished it.

Mr. Martinez made a motion that we remove the container that is in bad condition completely and the second container find a place away from the pond area and into the DPW area as long as it is somewhere that is not seen.

Mr. Dabinett commented if are you talking about the container that baseball is using, that will never work.

There was a discussion on the distance the container would be moved, what was stored in the baseball container, we are trying to beautify the pond area and the condition of the container, they already have a shed there, is the container fully used, can they move to a smaller area, Hardyston has a shed for equipment, contact the stake holders that have stuff in those containers, recreation would like to have this removed and the area can be used for the carnival.

Mayor Giordano commented we are trying to beautify the pond area, it doesn't make sense to him to have those containers there anymore, he thinks they need to go. We could be agreeable to allow them to put a shed up like the softball has done, that is a minimal cost to them when you take in consideration the property they are using and fees they are paying. Mayor Giordano commented his opinion is he would like to see the containers completely removed.

Mr. Dabinett commented he doesn't care if they are moved or not, you asked him to look into it and he looked into it.

Mr. Limon commented he thinks they should be moved, for the upcoming season.

Ms. Fantasia commented she agrees with what Mrs. McHose said, to contact the stakeholders who are storing things, if there is any option if we remove them or scrap them is there any monetary value of them and explained. We don't want to

**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
April 12, 2016**

make it hard for volunteers to have to bring the equipment to the games, volunteers are hard to find.

Mr. Martinez commented he doesn't want to take away their space, but what we are talking about is uniforms, they distribute the uniforms once a season, it is just a matter of where they are going to place the container and do they really need that much space. We can move that to another location it doesn't have to be in the pond area.

The discussion continued on the containers.

Mayor Giordano commented the motion on the table is to scrap the one that is leaking and not in good condition and to remove the good one and place over by the DPW building so that is not in the park area itself.

Mr. Martinez commented that is correct.

Mrs. McHose asked the Mayor if she could be excused and left the meeting.

Mr. Rathbun seconded the motion on the table.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder

Nays: None Absent: None Abstentions: Dabinett, Fantasia

Discussion on the Habitat for Humanity

Mr. Dabinett read at this time there will be a discussion regarding an agreement between the Borough of Franklin and Habitat for Humanity regarding COAH. (Agreement provided in the Council Packets.) Seconded by Mr. Limon.

There was a discussion on the draft agreement.

Authorization to Terminate Water Service

Mr. Dabinett made a motion to terminate water service for nonpayment. (Water and Sewer Shut-off list as of 04/08/2016 provided in Council packets).

Mayor Giordano commented as discussed we are amending this to commercial accounts with a balance due of over \$5,000.

Seconded by Mr. Limon.

Ms. Fantasia commented she believes it was for a single address. Mayor Giordano commented single address commercial accounts with an outstanding balance of \$5,000 or more.

Mr. Limon commented he seconds that with that verbiage.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion/Action to Foreclose on unpaid taxes

Mr. Dabinett read at this time there will be a discussion/action to foreclose on unpaid taxes held by the Borough. (Two property tax records regarding foreclosure property)

There was a discussion regarding these properties one on Corkhill Road and one on Rte 23 the Borough owns and no one has purchased them.

**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
April 12, 2016**

Mayor Giordano commented would the Council like to start to investigate foreclosure proceedings so we can redeem the property there on an outright sale or use the property for other interest the Borough might have.

Mr. Dabinett asked if these were vacant properties.

Mayor Giordano commented the one on Rte 23, has had the house demolished on it in 2015 by Council for reasons and explained. Then explained the property on Corkhill Road.

There was a discussion on the properties.

Mr. Martinez made a motion to start the foreclosure proceedings on Rte 23. Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-47

Mr. Dabinett made a motion to adopt resolution 2016-47 authorization to provide for the purchase of a Fire Siren for the Fire Department in the amount of \$3,568.30. (Quote included in the Council packets) Seconded by Mr. Martinez.

Mayor Giordano explained the resolution.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Martinez, Rathbun

Nays: None Absent: None Abstentions: Limon, Snyder

Discussion on non-resident volunteer badge and kayaks/boats

At this time there was a discussion to consider a non-resident volunteer badge for free fishing/boating at the pond and to clarify kayaks are not boats therefore anyone can kayak at the pond.

Mayor Giordano commented he wanted everyone to know a kayak is not a boat. Mr. Dabinett referred to the ordinance passed in 2015 on the requirements and read part of the ordinance.

There was a discussion on the ordinance and how this relates to the ordinance, none motorized watercraft.

The next discussion was regarding to allow volunteers to use the pond and recreation area with no cost to them.

Mr. Rathbun made a motion to allow volunteers down at the pond and recreational organizations to use the pond area free of charge. Seconded by Ms. Fantasia.

Mr. Prol commented it is people involved in recreation and scouting and other activities benefiting youth in Franklin Borough community.

Mr. Snyder commented how are we going to regulate that, there was a discussion on regulation.

**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
April 12, 2016**

Mr. Prol commented we can make this subject to the Mayor seeing they fit in this category, the Mayor's sole discretion or maybe the recreation commission. We will make it the Mayor's sole discretion as part of this vote.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Martinez, Rathbun

Nays: None Absent: None Abstentions: Limon, Snyder

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 Mr. Dabinett. All were in favor.

Emily Basilwitch, Mill Street, Franklin, stepped forward. Mrs. Basilwitch commented on the discussion regarding pond. She doesn't think the decision should be made by 8 people on what to do with our pond and explained.

Mayor Giordano explained the decision on the use of the pond by volunteers/coaches.

Mrs. Basilwitch commented on the four rent-a-johns at the pond, how much is the cost to the Borough for them. The discussion went back and forth regarding the rent-a-johns and toilets at the pond area and Senior Center.

Mrs. Basilwitch commented on the parking plan on Main Street. Mayor Giordano explained the plan for parking on Main Street and the additional parking will be for businesses.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented the term water craft. [Referring to the previous discussion]

Brian Glynn, 23 Fowler Street, Franklin, stepped forward. Mr. Glynn commented he noticed on the consent agenda something about speed limits on 631 which is Fowler Street and Church Street. Mr. Glynn commented he lives down there and people fly up and down that road and explained.

Mayor Giordano commented he would make the Chief aware of the situation.

Mr. Glynn also commented on the sidewalks on Fowler Street.

Mike Raperto, South Street, Franklin, stepped forward. Mr. Raperto commented if the DPW doesn't want the [good container] maybe the Fire Department will want it.

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 Ms. Fantasia. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Snyder commented coming into Franklin on Rte 23 by Hardyston School the Welcome to Franklin sign needs to be painted. Mr. Snyder commented on the American Flag out on the back island.

Mr. Limon asked when we repave High Street, the section that wasn't done and Junction are we opening the road at that time or after we fix the bridge. Mayor Giordano commented in his opinion he thinks we should leave that road closed until the bridge is done and explained.

**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
April 12, 2016**

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 10:25p.m., seconded by Mr. Martinez. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk