

**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  
June 28, 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. Rathbun, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Martinez

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."

**PRESENTATIONS**

Borough Clerk Robin Hough administered the Oath of Allegiance to Police Officer Daniel Flora.

Borough Clerk Robin Hough administered the Oath of Allegiance to Police Officer David MacQuesten.

**COMMITTEE REPORTS**

Ms. Fantasia reported at the EDC meeting there was a discussion regarding Vaping, and explained an assembly bill that expands the ban on flavored e-cigarettes. The EDC committee finds the bill problematic because there are currently over 100 Vaping shops in NJ and there are two located in Franklin. Ms. Fantasia read a letter to the Council from EDC. Ms. Fantasia read the Franklin Economic Development Committee would like to recommend to the Mayor and Council that they support small business and not support this proposed legislation.

Mr. Rathbun reported this is the last Council meeting before the Franklin Carnival which is July 7 through July 10, presale ride tickets end July 6. Recreation is looking for volunteer ticket sales at the carnival. Mr. Rathbun reported there have been two meetings now with Hardyston and Franklin regarding the Regional EMS and explained what was discussed at those meetings.

Mr. Snyder reported the Capital Finance Committee met with the CFO with regards to the Capital request of June 20, some of the requests going forward is buying a new front loader, compactor and an excavator. Some of the equipment are still out for bid so we don't have an exact figure. The front loader we have now is a 1996 and explained the equipment they are looking to purchase. Tonight's ordinances 15-2016 and 16-2016 is to appropriate money for the purchases.

Mr. Dabinett reported the Public Utility Committee met, one item discussed was a letter to Blue Diamond asking them to come forth and meet with us to discuss changes to the contract. The paving moratorium was discussed which is on the agenda tonight. There are some overdue water bills discussed and explained. The committee received Mr. Vreeland, Engineer recommendations on Sterling Plaza sewer pumping station down on 517 and they will be sending Mr. Deacon a letter. The committee will not meet on July 7.

Mr. Limon reported he spoke to Ms. Fantasia and Mr. Martinez and it was their recommendation that we went with hiring mechanic B but we were just handed an email from public works.

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Mayor Giordano commented he doesn't have that email. Mrs. McHose commented she just put it on the desk [dais].

Mr. Limon commented he would recommend that either we vote on it this evening because if we don't vote on it this evening it is going to be publicized for the next 14 days so let's handle it now.

Mrs. McHose commented since the personnel committee didn't meet and we haven't determined salary levels or what is budgeted.

Mr. Limon commented we can vote does anyone feel uncomfortable to vote or vote this evening.

Ms. Fantasia commented she was under the impression that step three was the salary for both, then she saw this letter it says something about a probationary salary, verbally she was told that would perhaps be for 90 days. Ms. Fantasia commented she is a little unsure what the salary is going to be just for comparison purposes not saying that salary is a sole indicator cause it certainly is not. Ms. Fantasia commented from her standpoint she would like to compare the two.

Mrs. McHose commented she thinks during the first round of interviews that she and Mr. VanDenBroek conducted we asked each candidate ranges they were looking for, nothing got decided, we never got to the step of doing the second round of interviews. She thinks some of the Council was able to interview with the two of them. We haven't gotten that formal. If you make the hire tonight we could clearly meet with each candidate and she thinks the reason for the discrepancy in the memo may be the fact that the candidate that is mentioned in the memo she guesses had indicated that he would be willing to start at probationary. Mrs. McHose commented she doesn't know what you want to do in terms of making an offer without the money part. Mr. VanDenBroek is in the audience if anyone would like clarification.

Mayor Giordano commented he is of the opinion that the Council are the people who do the hiring and the firing, it is a Council's decision as to what way you want to go.

Ms. Fantasia commented in the effort of transparency we should have a financial figure as part of voting. Based on qualifications, our meetings and interviews that we held with some of the Council members she thinks in good faith for the public she feels we really need to have those dollars figures before voting.

Mr. Limon commented the committee will review everything again and we will have it on the schedule for a vote at the next Council meeting.

Mr. Rathbun commented was the other candidate also offered probation.

Mrs. McHose commented his range was higher than the probationary, it was not put out there that way. We asked each of them what is your range of salary they were looking for.

Mayor Giordano commented we will do this on 7-12.

Mr. Limon commented yes.

Mrs. McHose reported as a follow up to a discussion she had with the zoning officer she contacted the district 24 legislative office about the condition of the former park service building on Rte 23 their lawn was overgrown there were trees towards the stream that needed to be trimmed and the garage doors need to be painted. She

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received a response and the DEP has said currently no office space is being used there; they apologized for the disrepair that has happened there. At this point they are sending the regional park superintendent is sending a crew to do maintenance and she will follow up on that.

Mayor Giordano reported each Council member has a copy of an ad that EDC has produced for the Sussex County Chambers of Commerce. This would be a half page ad and will go through the EDC budget. They did a really good job on this. We are actively trying to sell Franklin. We have the first 15 minute ad promoting the Carnival on Channel 10, which is also on facebook and you tube. There are advertisements on the radio for the carnival and explained.

Mayor Giordano commented we just swore in two new officers, we wish them well and hope they have a long and healthy career in Franklin. Mayor Giordano commented the Chief is looking to renew his contract so we will start working on that.

**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. Rathbun.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen commented on the painting in the lobby and gave the Council the background on the painting.

Mayor Giordano asked if anyone had an issue with Mrs. McHose getting a plaque for the painting.

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented on the Carnival advertisement. Mrs. Tatka commented she admires you for the decision on the hiring because how can you hire anybody if you don't have any idea of how much money you are going to pay them.

Mr. Limon commented it wasn't that we didn't know it was step three.

Mrs. Tatka asked if the advertising on Channel 10 was finished or if we were adding to that. Mayor Giordano commented we agreed to do one show which is 30 minutes, we divided it in half. One show will cover the build up to the Carnival and the second half will be based on the Carnival and explained.

Mrs. Tatka commented on the sign on Maple road regarding two houses that are for sale behind her, they have been there for years and her neighbors would like to know if we can get that sign removed since those houses are in no shape to be sold.

Mrs. McHose commented she will speak to the zoning officer and explained.

Mrs. McHose explained to Mrs. Tatka her follow up with the DEP regarding the mosquito concern.

Sue Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mrs. Gunderman commented on the joint first aid squad with Hardyston.

Mayor Giordano explained the concept of the regional first aid squad.

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Mrs. Gunderman asked how many members will there be from each town.

Mrs. McHose explained the concept of the members and as of August 1 Hardyston will no longer have service from Milton for the Stockholm Region. We are attempting to encourage volunteers to join our squad and we will service Franklin and Hardyston. Hamburg is still helping out but they will be leaving too.

Mayor Giordano commented this is only in the beginning stages right now.

Mr. Rathbun explained the volunteer numbers from each town.

Mrs. Gunderman questioned how many ambulances each town has, if Franklin helps to cover Hardyston and is concerned; Franklin residents should have first priority and explained.

Mrs. Gunderman commented on May 10 you did the 2 percent raises and on June 14 you did merit raises and asked what was that considered.

Mayor Giordano commented some of the job titles have changed so they got an adjustment in their salary more in line with some of the municipalities in the area.

Mrs. Gunderman questioned the percentage of some of the raises. Mayor Giordano explained. Mrs. Gunderman questioned the amount of hours posted on the website that Borough Hall is opened.

Mrs. Gunderman commented she thinks the raises were a little high to try and stay within the cap.

Bob Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen commented on a 35 year old problem on Nester Street and explained.

Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented on the carnival setting up rides on the field already, it is kind of early.

Mayor Giordano commented they are setting up the rides now because we have more rides than last year coming in they need the extra time to set the rides up.

Mr. Gunderman commented what is that going to do to the grass.

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

**OLD BUSINESS**

Mr. Dabinett commented the Council had previously had set a \$5,000 [shut off].

Mr. Dabinett commented he would like to make a motion to reduce that to \$4,000. Mr. Prol commented to clarify that the \$5,000 pertains to commercial properties if you want to leave it at commercial or expand it.

Mr. Dabinett commented strictly commercial properties.

Mr. Prol commented when you define commercial that would include commercial properties that are actually rental properties for residential real estate as well.

Mr. Dabinett commented that is correct.

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Mr. Dabinett commented his questions was do we bring this up under old business since it has been acted upon in the past.

Mayor Giordano commented it is your pleasure if you want to bring it up under old business, we set a bar, if you want to lower the bar than you can have a motion and a second.

Mr. Dabinett commented he will make that motion that we set that bar at \$4,000. Seconded by Mr. Rathbun.

Ms. Fantasia asked Mr. Prol, when you say \$4,000 for commercial, did we have any distinction when we set the \$5,000 for commercial that excluded any type of residential use of those properties, I don't recall if there was any deferential at that time.

Mr. Prol commented his understanding was that it was commercial and it didn't include the quasi commercial/residential. The motion that is being made would probably expand that because if in fact the motion for \$5,000 included these quasi properties there was one property at that time that would also be included. Mr. Prol commented he thinks the way it was enforced at that time and it was his understanding it was the Council's vote was it was limited to commercial properties not commercial/residential properties. Mr. Prol commented his understanding by Mr. Dabinett's motion today he is looking to reduce it today to \$4,000 and also sweep up not just commercial properties but also the quasi commercial/residential. That would mean any property that has multiple dwellings in it.

Mr. Prol commented it might be better to reference the properties on the current list. What he has in front of him is an unpaid utilities list for this month dated June 1, 2016. At this time there are three properties that would meet that definition. The first is property owned by Moody LLC. balance of \$5,969.03 as of June 1, the second property is the same owner with the amount of \$4,199.44 and the third property is the same owner with a balance of \$4,208.46. Mr. Prol commented this is another Wok n Sushi has a balance of \$5,267.01. Those would be the four properties involved with this motion.

Mrs. Mchose explained the properties and their location referenced by Mr. Prol. Mrs. Mchose commented when the properties are shut off the County Health Department will be notified by the Borough and then the Health Department will summons the owner and bring him to court as soon as possible to force payment so the water can be turned back on. As far as Wok N Sushi is concerned there are several properties in town that are for sale and she has not spoken to the owners of that property but generally when they are for sale and vacant they often want to wait until the sale and then they will recoup the money and pay the Borough. Mrs. McHose commented she has explained to the property owners that is not how it works you have to pay.

Mr. Prol commented the Borough is exercising its authority by Statue, someone asked him if these residential tenants could come after the Borough and explained.

Mr. Dabinett commented he would like to make that motion and set a turn off date for July 15.

Mayor Giordano asked do you want to amend your original motion.

Mr. Dabinett commented lower the threshold to \$4,000 and the shut off would be on July 15, 2016. Mr. Rathbun is agreeable and seconded the amended motion.

Upon roll call vote:

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Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun  
Nays: None Absent: Martinez Abstentions: None

**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. Memo dated June 21, 2016, from Karen Osellame, Planning Board Secretary, to Mayor and Council and Robin Hough, Borough Clerk, Re: Ordinance 9-2016.

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

No reports for June 28, 2016

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

1. Application from Franklin Recreation to use the Senior Center on July 7 and 8th from 4:00pm - 11:00pm and July 9th and 10th from 12:00 noon to 11:00PM.

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

1. Payment of bills for the meeting of June 28, 2016.

Mr. Limon made a motion to approve the consent agenda of June 28, 2016. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun  
Nays: None Absent: Martinez Abstentions: None

**NEW BUSINESS**

Approval of the Minutes

Mr. Dabinett made a motion to approve the regular meeting minutes and executive session meeting minutes for June 14, 2016. (Absent: None) seconded by Mr. Limon.

There was an error on the agenda there was no executive session on June 14.

Mr. Limon commented we were suppose to have the executive session but we canceled it. Mr. Limon commented that is fine he would accept the second on the change.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun  
Nays: None Absent: Martinez Abstentions: None

Adoption of Ordinance 13-2016

Mr. Dabinett made a motion to adopt Ordinance 13-2016 "AN ORDINANCE PROVIDING FOR IMPROVEMENT OF THE DEPARTMENT OF PUBLIC WORKS GARAGE IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$39,986.36 THEREFORE FROM FUNDS AVAILABLE UNDER AN ORDINANCE OF THE BOROUGH HERETOFORE ADOPTED." Seconded by Mr. Limon.

Mr. VanDenBroek, DPW Supervisor, explained the repair from the public.

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**Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 13-2016.**

Mr. Dabinett made a motion to open to the public ordinance 13-2016. Seconded by Mr. Snyder. All were in favor.

No one from the public stepped forward.

Mr. Rathbun made a motion to close to the public ordinance 13-2016. Seconded by Ms. Fantasia. All were in favor.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Resolution 2016-68

Mr. Dabinett made a motion to adopt resolution 2016-68 canceling the reserve for sale of assets balance in the amount of \$545.60 to be returned to the fund balance in the current fund. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Resolution 2016-69

Mr. Dabinett made a motion to adopt resolution 2016-69 authorizing bidding for the proposed resurfacing of North Rutherford Avenue Franklin, Sussex County, NJ. (Bid specs and letter dated June 22, 2016 from Thomas Knutelsky, Borough Engineer provided in the Council packets.)

Mr. Prol commented before there is a second he recommends you add to that without the inclusion of paragraph 38 on page 19.

There was a discussion regarding removing that paragraph.

Mr. Dabinett made the motion to adopt resolution 2016-69 with the deletion of paragraph 38.

Mr. Prol explained why the need for the deletion of that paragraph.

Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Public Service Project

Mr. Rathbun made a motion to approve the public service request from Girl Scout Troop 94664 to build and place four bat boxes around the pond area.

Mayor Giordano commented they originally were going to do 4 but actually it will be 5.

Seconded by Mr. Dabinett.

Mayor Giordano commented he would like to open the meeting to the girl scout representative Ms. Molly McHose to explain why they are doing bat boxes.

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Ms. Molly McHose, 76 Buckwheat Road, Franklin, stepped forward. Ms. McHose commented the Vernon Girl Scout troop 94664 would like to build 5 bat boxes at the Franklin Pond to prevent bats from going into your house so they will have habitat at the pond instead of in your house and they eat bugs.

Mayor Giordano thanked Ms. McHose.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Mayor Giordano stepped down from Ordinance 14-2016 and left the dais and room.

Council President took over the meeting at this time.

Introduction to ordinance 14-2016

Ms. Fantasia made a motion to introduce an ordinance 14-2016 entitled "AN ORDINANCE AMENDING CHAPTER 161 "LAND DEVELOPMENT" AND CHAPTER 218 "SIGNS". (Mayor Giordano will be stepping down from Ordinance 14-2016)

**Public hearing will be held July 26, 2016.**

Seconded by Mr. Rathbun.

Mr. Prol commented for the record Mayor Giordano left the room for this discussion.

Council President Snyder asked if there was any discussion.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Mayor Giordano returned to the dais.

Resolution 2016-70

Mr. Rathbun made a motion to adopt resolution 2016-70 authorizing the Borough clerk to renew the following liquor license for the 2016-2017 licensing term.

**Plenary Retail Consumption**

1906-33-005-008 Franklin Silver Ducat

1906-33-011-005 Koz's Korner

**Plenary Retail Distribution**

1906-44-003-009 Williams Family Deli T/A The Market Place Deli

Seconded by Mr. Limon

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Introduction to ordinance 15-2016

Mr. Rathbun made a motion to introduce ordinance 15-2016 entitled "BOND ORDINANCE APPROPRIATING \$475,665 AND AUTHORIZING THE ISSUANCE OF \$453,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN TO THE

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BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY."  
Seconded by Mr. Snyder.

Monica Miebach, CFO explained the ordinance.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

**Public hearing will be held July 12, 2016.**

Introduction to ordinance 16-2016

Mr. Rathbun made a motion to introduce ordinance 16-2016 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW VEHICLES FOR USE BY THE WATER AND SEWER SYSTEMS OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$95,700 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$91,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION."  
Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

**Public hearing will be held July 12, 2016.**

**EXECUTIVE SESSION**

There was no executive session.

**OPEN PUBLIC SESSION**

Mr. Snyder 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.

No one from the public stepped forward.

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

**ADDENDUM**

Introduction to Ordinance 17-2016

Mr. Rathbun made a motion to introduce an ordinance 17-2016 entitled "PAVEMENT MORATORIUM - STREET AND SIDEWALKS" "AN ORDINANCE SETTING FORTH NOTICE OF STREET PAVING AN MORATORIUM ON STREET AND SIDEWALK EXCAVATION". Seconded by Mr. Snyder.

Mayor Giordano explained the Ordinance.

**Public Hearing will be held on July 12, 2014**

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Martinez Abstentions: None

Mr. Dabinett made a motion to open the meeting to the public after the addendum.  
Seconded by Mr. Rathbun. All were in favor.

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No one from the public stepped forward.

Mr. Rathbun made a motion to close to the meeting to the public after the addendum. Seconded by Ms. Fantasia. All were in favor.

**MISCELLANEOUS COMMENTS**

Mr. Snyder commented there is an RV on John Wilton Street would that be addressed with Joe Drossel. Mrs. McHose commented she will address it tomorrow.

Mr. Snyder commented he had received complaints with regards to Corkhill Road, that has to do with the water cleaning the streets the vehicle filling up at the hydrant at Corkhill Road.

There was a discussion regarding this issue. Mayor Giordano commented we will refer this to the Public Utility Committee.

Mr. Prol commented on the Habitat project and COAH.

Mr. Snyder commented he will not be present at the July 12 Meeting. Mr. Snyder commented he pooled the Council and there will be five members here.

Mayor Giordano commented Mr. Martinez hours were changed a little [at work] we might have to call him.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Dabinett made a motion to adjourn the meeting at 8:40p.m., seconded by Mr. Rathbun. All were in favor.

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Nicholas Giordano, Mayor

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Robin Hough, Borough Clerk