

**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
November 8, 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. Skellenger, 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."

COMMITTEE REPORTS

Mr. Limon reported we had a personnel meeting, Ms. Fantasia, Mr. Skellenger and Mrs. McHose was there. We went over a few items we are working on and we will follow up at the next meeting.

Mr. Dabinett reported the main thing he wanted to bring up tonight was the sewer pump station that is on the agenda and anything else he will delay until the next meeting.

Mr. Snyder had no report.

Mr. Rathbun reported the Hullabooloo was great, there was a constant flow of people in and out, the Fire Department did well and the Halloween Parade was another great event this year.

Mr. Rathbun reported on public safety. The Franklin R & R sent over a draft with an amendment of our current agreement between them and the Borough. Hopefully our attorney will have time to review it for the next meeting

Mr. Skellenger had no report.

Ms. Fantasia reported we have our EDC meeting this Thursday, our monthly finance meeting is tomorrow and we have Planning Board at the end of the month. Ms. Fantasia commented we did receive our Moody's investors service annual comment on Franklin, they were definitely pleased with us, strong financial management, hats off to our CFO.

Mayor Giordano commented Franklin very closely monitors our budget, we report on it every other meeting and sometimes every meeting. When we say, we are on target or off target this is because we a very closely monitoring our budget. Our committee is doing a very fine job on that.

Mrs. McHose reported on behalf of Councilman Snyder and Buildings and Grounds, the lights down at the field have been worked on, they installed some of the lights. There were certain pieces that were on back order but we're almost done with that repair. Mrs. McHose reported the lines on both Buckwheat and Corkhill Road will be painted tomorrow if weather is permitting. Thanks to the Franklin Board of Ed., we borrowed a machine from them to do the lines. Thank you, Councilman Snyder, because you had contacted them.

Mr. Snyder asked about the safety wiring. Mrs. McHose commented Jackie Espinoza [from JCP & L] told her they have identified which wires need to be covered and they are working on that. Also, the pole that was leaning, that was

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brought to our attention is not a JCP&L pole it is phone company pole, we are in the process of getting that rectified.

Mr. Prol commented he will make comments as they come up during the agenda. Mr. Prol commented he received correspondence today from Dayne Hill regarding a proposed agreement with the Rifle Range and he will look at that and have comments at the next meeting. Mr. Prol commented he will also send that to the Council members individually so they can review it as well.

Mayor Giordano commented the Hullabooloo was a very successful event, it was a first-time event where the Franklin Recreation worked with the Franklin Fire Department. The Fire Department was very happy with the proceeds. They are looking forward to working with Recreation again.

Mayor Giordano commented he is going to be setting up meetings. Mrs. McHose and the Mayor will be sitting with each committee chair to start working on our business model for next year. We have accomplished our goals setting up the committees, working the structure properly; this coming year is where we want to set goals and we will be starting that process.

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.

Bob Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen commented we got a good report on the gentleman that wants to come in and work on the Zinc Mine property and explained. There was a brief discussion on the Zinc Mine property, cleaning up the property and a subdivision needed. Mayor Giordano explained the Planning Grant. Mrs. McHose also explained the time line for the Borough with the Planning Grant.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd asked if the Borough was all set with the TAP grant. Ms. Fantasia explained she received correspondence from Robin and Alison and Tom Knutelsky, we received about a dozen letters of support from residents and they were wonderful. The Freeholder approved a resolution and that is ready to go. They are working in SAGE right now; she doesn't see any problem with everything going in by Thursday.

Mr. Kidd commented on other Municipalities buying their street lights from JCP&L and then taking over the maintenance on that. Some are converting the lights to LED and are just taking over the maintenance of those with a significant saving. Maybe this is something we can talk to JCP&L to audit what services are actually provided. We are not just paying for electric we are paying for maintenance. Maybe this is something the Borough can look into in the future and explained costs. There was a discussion on this suggestion.

Mr. Kidd commented he knows you have been doing inspections on the sewer and storm water lines; he has heard that smoke testing is a cheaper more positive identification of leaks in these systems, we have always seemed to be going through these camera systems. Has anyone investigated smoke testing.

There was a discussion on the inspections and how accurate you can be with smoke.

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 Mr. Skellenger. All were in favor.

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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 October 24, 2016 from John Nugent, Superintendent, Sussex County Municipal Utilities Authority to Alison McHose, Administrator Re: Sewage Flows.
2. Notice dated October 19, 2016 from Maureen R. Donnelly, Land Use Administrator of Sparta to Municipal Clerks Re: Public Hearing to Consider two proposed amendments to the Sparta Township Master Plan; (1) Sparta Township 2016 Amendment and Supplement to 2008 Housing Element and Fair Share Plan; and (2) Town Center Main Street Business District Master Plan Amendment.
3. Resolution 2016-149 from Andover Township urging the owners of the Hudson Farm Properties A/K/A IAT Reinsurance to support the Lackawanna cut-off Restoration Project.
4. Memo dated November 2, 2016 from Robin Hough, RMC/CMR to Franklin Board of Health Re: Special event food handler licenses issued.
5. Letter dated October 27, 2016 from Keri Marino, Chair/Franklin Recreation Commission to Mayor Giordano, Alison McHose, Administrator, Council and Franklin Recreation Commission Re: Resignation effective December 31, 2016.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Moody's Investor Service October 21, 2016, Annual Comment on the Borough of Franklin.
2. Tax Department report for October, 2016.
3. Zoning Officer report for September, 2016.
4. Zoning Officer report for October, 2016.
5. Construction permit activity report for October, 2016.
6. Construction report for October, 2016.
7. COH report for October, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 8, 2016.

Mr. Limon made a motion to approve the consent agenda of November 8, 2016. Seconded by Mr. Skellenger.

Upon roll call vote:

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

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for October 25, 2016. (Absent: Mr. Snyder was not present for executive session and did not return to the regular meeting after executive session)

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Mr. Snyder commented with regards to that can we vote on them [the minutes] separately.

Mr. Prol commented you want to split the minutes up and asked if there was a second.

Mr. Limon seconded the motion.

Mayor Giordano asked if you are agreeable to amending your second.

Mr. Prol commented we will do a motion to bifurcate them. Mr. Limon said yes.

Mr. Prol commented we have a motion and a second to bifurcate.

Ms. Hough commented Mr. Rathbun made the motion and Mr. Limon seconded it, is that [motion] to bifurcate the two sets of minutes.

Mayor Giordano commented we need a second on splitting the minutes.

Seconded by Mr. Dabinett.

Ms. Hough commented who made the motion if Mr. Dabinett seconded it.

Mayor Giordano commented Mr. Limon made the motion to split the minutes and Mr. Dabinett seconded the motion.

Mayor Giordano asked for a roll call vote on splitting the minutes.

Upon roll call vote on bifurcating the minutes:

Ayes: Limon, Rathbun, Skellenger, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Snyder

Mayor Giordano commented now we need a motion and a second for the regular meeting minutes; then we would need a motion and second for the executive session meeting minutes.

Ms. Fantasia commented does it matter after we came back from executive session, we went back into [regular] session, that Mr. Snyder was not here for the end of the regular meeting.

Mayor Giordano comment no because there was no business.

Mr. Rathbun commented we did make a motion coming out of executive session. Mayor Giordano commented yes but that was something that Mr. Snyder couldn't vote on anyway.

Mr. Prol commented since he was present for a portion of the meeting he is permitted to vote on the minutes.

Mr. Rathbun made a motion to approve the regular meeting minutes for October 25, 2016. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Mr. Dabinett made a motion to approve the executive session meeting minutes for October 25, 2016. Seconded by Mr. Rathbun. All were in favor.

Mayor Giordano than asked for a roll call vote on the executive session minutes.

Upon roll call vote:

Ayes: Limon, Rathbun, Skellenger, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Snyder

Resolution 2016-96

Mr. Rathbun made a motion to adopt resolution 2016-96 amendment to the Capital Budget in the amount of \$165,000. Seconded by Mr. Snyder.

Ms. McHose commented for the record the bids were opened; it was not awarded because of the executive order from Governor Christie, what we are doing tonight is taking action. The company who was low bidder agreed to an extension of their bid two times.

Mayor Giordano commented this is for paving Main Street.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Ordinance 19-2016

Mr. Rathbun made a motion to introduce an ordinance 19-2016 entitled "ORDINANCE PROVIDING FOR IMPROVMENT OF MAIN STREET (PHASE II) IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$165,000 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION." Seconded by Mr. Snyder.

Public Hearing will be held November 22, 2016.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-97

Mr. Dabinett made a motion to adopt resolution 2016-97 person to person transfer of liquor license 1906-33-010-006 issued to Wok N Sushi to Franklin Grill and Tavern LLC. (Application and documents filed with the Borough for the person to person transfer provided in the Council packets.) Seconded by Mr. Rathbun.

Mr. Prol commented there was some confusion about corporate ownership here, we had sent a letter to shareholders of the corporation to be here tonight if they question that.

Mrs. McHose commented one of whom is here, Mr. Zaretsky, if he has any questions.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Resolution 2016-98

Mr. Dabinett made a motion to adopt resolution 2016-98 authorizing the transfer of appropriations in the amount of \$29,793.00.

Mayor Giordano explained the resolution.

Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-99

Mr. Dabinett made a motion to adopt resolution 2016-99 awarding contract for proposed improvements to Wildcat Road - Section III to JTG Construction Inc. 188 Jefferson St. Suite 387, Newark in the amount of \$67,630. (Thomas Knutelsky letter of recommendation dated November 3, 2016 included in the Council packets.)
Seconded by Mr. Rathbun.

Mayor Giordano explained the resolution.

Upon roll call vote:

Ayes: Limon, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Skellenger

ADDENDUM

Resolution 2016-100 Sewer Pump Station Improvement Developers Agreement

Mr. Dabinett made a motion to adopt resolution 2016-100 approving the Sewer Pump Station Improvement Developers Agreement between the Borough of Franklin and Sterling Plaza Inc. Seconded by Mr. Rathbun.

Mr. Dabinett explained the resolution. There was a brief discussion.

Ms. Fantasia commented she knew some of this with conversations with Mr. Dabinett, but she understands we want to move with some of these things but she sees the email chain in the back and picking it up at 6:53 before a Council meeting doesn't really give us the opportunity to even look it over. This and the next issue that is on the addendum. Being this wasn't part of the original agenda.

Mayor Giordano commented he had this put on the agenda [addendum] because he didn't want to hold up Mr. Deacon any further. Mayor Giordano commented he would be open to tabling these two items to the next meeting if that is what you would like to do, he respects that completely.

Ms. Fantasia commented she understands [this] we have all had conversations about it but again to get a thick set of paper work like this and say review it before, when we get it right when we are sitting here and it is passed to us; she doesn't think that is in the best interest of a situation.

Mr. Prol commented we will make a point of trying to get the agreements to you by email ahead of time and include the clerk to do that as well. We try to get them to the Council members on the Friday before the meeting.

Mayor Giordano asked would you be agreeable with us having a vote.

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Ms. Fantasia commented on this issue yes, because like said she had prior knowledge of it from Mr. Dabinett but she can't speak for the other Council members.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Sussex County Habitat for Humanity Agreement

At this time, there was a discussion regarding changes to the draft agreement between the Borough of Franklin and the Sussex County Habitat for Humanity.

(Letter from Richard Ralph dated October 31, 2016 and Tom Prol, Borough Attorney email dated November 7, 2016 provided to the Council)

Mr. Prol explained as you recall back in July the Council voted in the affirmative to enter into an agreement with Habitat for Humanity with respect to three properties along Munsonhurst Road, on which they would construct between one and three housing units depending on what the topography and environmental conditions would allow there. Mr. Prol commented he reviewed the agreement with Habitats Counsel and prior to the Council taking a vote and came to this body for approval; then sent the document over to be signed by Habitat. There were a few minor changes, he received back last week some additional revisions to that document that were made by Habitat. Those he just passed around four pages that are red lined on them so you can see clearly [the changes]. There is one provision in here on page 5 and read what he was going to add in. Mr. Prol commented he doesn't have any objections to what is proposed by Richard Ralph, and explained.

Mr. Prol commented he recommends the Council approve the document. This is the same document the Council approved in July with these additional changes.

Mayor Giordano asked for a motion and a second to accept the changes.

Mr. Limon asked if there was any way this could have been handled administratively. Mayor Giordano commented one of the things we are trying to do is make sure the Council is fully aware of what is going on and explained. If we are going to change a document the Council should be advised and have the opportunity to say yes or no.

Ms. Fantasia made the motion to accept the changes. Seconded by Mr. Rathbun.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

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. Skellenger. 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. Rathbun made a motion to close the meeting to the public, seconded by Mr. Skellenger. All were in favor.

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MISCELLANEOUS COMMENTS

Mr. Skellenger commented he wanted to make sure for the Reorg. [meeting] it falls on Sunday this year; are we going to keep it on Sunday.

Mayor Giordano commented absolutely yes.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Dabinett made a motion to adjourn the meeting at 7:45p.m., seconded by Mr. Skellenger. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk