

**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 22, 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, Mr. Rathbun, Mr. Skellenger and Mayor Giordano.

Absent: Mr. Snyder (arrived 7:15), Mr. Limon (arrived 7:15), Ms. Fantasia

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

At this time, there was presentation for Sally McGrath, Emily Bazelewich and Joan Romaine for the volunteerism and dedication as Sussex County Board of Election Poll Workers.

Mayor Giordano asked Mr. Skellenger, Mrs. Bazelewich, Mrs. McGrath and Mrs. Romaine to step forward for the presentation.

Mr. Skellenger commented the Mayor and Council wanted to thank you for all your years of service as poll workers. Thank you very much from all of us. Mr. Skellenger presented them each with a plaque from the Borough of Franklin.

Marge McCabe, Administrator for the Sussex County Board of Elections, stepped forward at this time. Mrs. McCabe commented I don't know if you realize what an important job it is to be a poll worker. They really are, our eyes and ears out at the polls, they are the ones who make sure voters rights are protected, laws are enforced and there is a lot to know. They need to know all the laws that are involved in working the polls, we try to give them all the resources that they need to do a good job.

Mrs. McGrath, Mrs. Bazelewich and Mrs. Romaine shared some of their experiences. They went to school with Senator Bob Littell and that is when they got started in the 1960's, in the beginning it was all volunteer.

Mrs. McCabe introduced Jeannie from the Board of Election who is the poll worker coordinator and Ellen Griffiths who is Deputy Administrator of the Sussex County Board of Elections.

Mayor Giordano commented the second presentation is from DASI, Franklin is considering bringing the DVRT team to the town.

Jessica Minnick, the Domestic Violence Response Team Coordinator for DASI stepped forward. Ms. Minnick explained several years ago, she spoke to Chief McInerney and tried to get a team up and running, which got tabled for a little bit, with getting a few more towns on board, she thought she would go back to him (the Chief) and he was definitely interested.

Ms. Minnick commented the response team is made up of volunteers that DASI recruits screen and train, she would also have the liaison officer from the town help with the screening process. Ms. Minnick explained the interview process and screening process for the volunteers.

Ms. Minnick commented the training class is 40 hours, DASI handles scheduling and we ask the liaison officer attend as many of the training classes they are able to with their schedule. Ms. Minnick commented the volunteers would have a good

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understanding of what is going on before they get involved in the process. The volunteers are typically in the station for 30 to 60 minutes meeting with the victim. The officer would bring the victim back to the station and would make a call to the DASI hotline and say this is Franklin we would like to activate our team. The hotline staff would get the volunteer, the volunteer would call the station identify themselves and say how long before they would get to the station. When the volunteer arrives, they meet with the victim confidentially, the volunteers are trained to remind the officers that they can knock on the door at any time and come in at any point in time while the victim is meeting with the volunteer and continued to explain the program. In 2016 the team has handled 111 call outs, there have been 40 at the State Police, 32 at Newton, 38 in Vernon and one in Andover. We have a team in Stanhope but it has not been activation there yet.

Ms. Minnick commented the cost to the town is minimal, we only require a file cabinet or draw that we can keep our supplies for the volunteers. Ms. Minnick commented she already has trained volunteers that are already willing to work in Franklin.

Mr. Dabinett commented he doesn't know why anybody would not want to go with this program.

Mayor Giordano commented in the past the Mayor and Administrator thought there was a stigma with having a DASI team that would work in Franklin. Mayor Giordano commented he personally sees domestic violence as an epidemic in our Country, there is not stigma and he would really like to see Franklin have this [team]. Ms. Hough would like to add something she is a past Board member.

Ms. Hough commented this is really important, I was a Board member for two years, it would really be a great program for Franklin to have.

Mrs. McHose commented she is very much in support of this, with regards to the victims is this something they must request to have a person be there.

Ms. Minnick commented a lot of towns do it, they make it mandatory, they don't offer it to the victim because a lot of times at one or two in the morning the victim doesn't want to disturb anybody. But if we get a volunteer there and the officer walks them in and says this is somebody who will be able to give you some information and go over their options and they leave the room, the volunteer will start with the confidentiality information and explained.

Mrs. McHose asked there is a 40 hours training for the officer that will be the liaison? Ms. Minnick commented correct. Mrs. McHose asked would they get updated training as the years go on? Ms. Minnick commented absolutely and explained.

Mayor Giordano commented on the officers having the ability of going to someone on every shift, provided the Council is on board with this program, schedule [a meeting] to sit down with Chief McInerney, the Administrator and brass of the police department to see what to do to have them all trained. We shouldn't have a domestic abuse officer we should have all of our sergeants or all of our supervisors familiar with how this works.

Ms. Minnick commented even if we don't do the full training classes with them even if you spend an hour to go through the basics of domestic violence, the nuts and bolts of the power and control wheel that our volunteers use with the victim. This could be really helpful and just try to help them [police officer] to understand and appreciate why it takes so many times for somebody to leave. Why maybe you are

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going to the same residents five/six times a year and there being a frustration level there and that is understandable.

Mrs. McHose commented we look forward to it, now that our police [department] is fully staffed it will be much more appeasable for us to participate. Mrs. McHose commented she likes the idea of having a brief training for everyone.

Mayor Giordano asked about a resolution for this. Mrs. McHose commented we are going to do this at the next meeting. Mayor Giordano asked if anyone on the Council had any objections to have this at the next meeting to approve a DASI DVRT team.

Mr. Prol commented his firm has done some work for DASI, [he can't be involved in drafting the resolution].

Mayor Giordano commented Chief Vahaly passed away, tonight is his funeral and would like to take a moment of silence for Chief Vahaly for his many years working for Franklin, a past Fire Chief, a past Police Chief, Littell gas worker and friend to all of us.

At this time, there was a moment of silence for former Chief Pete Vahaly.

COMMITTEE REPORTS

Mr. Skellenger reported he, Councilman Rathbun, Councilwoman Fantasia and Mrs. McHose attended the NJ League of Municipalities at Atlantic City last week. It was a tremendous learning experience, he went to four/five classes a day and learned so much and met so many different people that can help the Borough. A lot of officials, administrators attend this every year and they were more than willing to help us.

Mr. Rathbun reported he attended the League and did several classes. One class was to learn more about bail reform since this will be going into effect January 1. It is very intense and there will be a lot of work put on our court clerk. Mr. Rathbun commented on one class he took Sustainable New Jersey; 88 percent of NJ is enrolled in this and out of the whole State there are only 4 municipalities in Sussex County that are enrolled and we are not one of them. That is something we should look into and explained.

Mrs. McHose commented as a former legislator she dealt with this in a series of bills, one cautionary tale when we are researching whether we want to declare ourselves sustainable is there are some restrictions at times and explained.

There was a brief discussion on whether to be sustainable, building code restrictions and examples where given.

Mr. Rathbun reminder everyone the annual Christmas Tree lighting is December 3 at 5:00pm.

Mr. Snyder reported on buildings and grounds. The last repair was done today down at the Senior Center. Some of the other projects he had mentioned prior are still ongoing. Mr. Snyder commented Ms. Fantasia is not here tonight and left her report for Mr. Snyder to read. Mr. Snyder read they met with the CFO, administrator and reviewed the current budget status through October 31, and the Borough continues to be in a health alignment with the numbers we had previously projected and discussed and explained in 2017 the Borough will not be self-examined, we will be under specific review by Trenton and as a result we must submit our finalized budget on time in March of 2017. The CFO also recommends that in September of 2017 the committee review the contracts of contract employees in order to avoid possibility of fine due to potential retroactive pension payments should there be a

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delay in contract negotiations/ finalization. The finance committee strongly supports the Length of Service Award Program [LOSAP] and explained this will assist the emergency service volunteers.

Mr. Snyder continued to read Ms. Fantasia report, the tap grant was submitted on time, Judy Williams was an asset to the project. Mr. Snyder read the report regarding the Planning Board meeting, application and the discussion on redevelopment.

Mr. Dabinett reported we did not have a public utility committee meeting this Thursday with everyone being out of town. The men from the streets and road department are very busy getting the snow plows and sanders ready for the inclement weather. Mr. Dabinett commented we had a question today come in from Franklin Meadows in regards to a water main leak, he went over the ordinance and doesn't think we have the responsibility because we don't own the roads but he would like Mr. Prol to please make a recommendation to the Mayor and Council as to what the responsibilities are up in that area.

Mrs. McHose commented she got the ordinance and was on the phone with Mr. Ursin with a matter that we are going to discuss later and mentioned this, Mr. Ursin sent her the ordinance which she sent to Sharon Mann the property management company for Franklin Meadows and explained to her she doesn't believe we are responsible for this particular leak from what Mr. VanDenBroek explained to her. Mrs. McHose commented she did not hear back from her.

Mr. Dabinett commented he is of the same assumption, he was hoping we could get something definitive in writing for any future questions that may come up.

Mrs. McHose commented this would apply to any other home, that person would be responsible to pay for water that was lost.

Mr. Dabinett commented back in the early summer we had talked about purchasing a generator, we need a generator for the High Point Water tank up there, we also like to have a generator for the Borough garage and this building. With that in mind we thought there could be one generator put in on a trailer so we would be able to move it from spot to spot.

Mayor Giordano commented to have the CFO look at the books and see if we have the money to buy this. There was a discussion on generators.

Mr. Dabinett commented we [the committee] are in discussions with Phil Deacon, he would like the Borough to extend our water main and supply water down to Sterling Plaza and his new apartments.

Mayor Giordano commented for the publics knowledge, he and Mr. Dabinett [will meet] tomorrow with Mrs. McHose at some point to go over the Board of Public Utilities. They have done a lot of work this year and we have a lot of projects that Mr. Guerin can get specs for so we can advertise our specs over the winter and can have our project start in April.

Mr. Limon commented on Friday he met with Mrs. McHose, she updated him on ongoing contract negotiations. There isn't nothing new to report.

Mr. Dabinett reported the pole at the pond was fixed today.

Mrs. McHose asked if Molly McHose can address the Council.

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Ms. Molly McHose thanked the Council for her Vernon Troop 94664 for letting them put up bat boxes. She approached the Council in August and the bat boxes were put up today.

Mrs. McHose commented the Carnival RFP will be submitted for advertisement tomorrow and opened in mid-December. Mrs. McHose commented she attended the League and found it very useful. She primarily focused on Economic Development and explained the classes she attended. Mrs. McHose commented the end of the year is a busy time we are working on RFP for professionals and budget items for next year.

Mr. Prol reported he attended the League and explained classes he attended at the leagues which were helpful.

Mayor Giordano reported the Board of Education has a new superintendent JR Giacchi, he is from Franklin, and hopefully this will make a big difference in our school system.

Mayor Giordano commented there will be an executive session tonight to cover Franklin Rifle and Pistol Club Agreement, Personnel, the Garbage Bid and litigation.

OPEN PUBLIC SESSION

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

Sarah Zydon, 346 Rutherford Ave. Franklin, stepped forward. Mrs. Zydon invited everyone to come to the tree lighting. Mrs. Zydon commented we do have a new Superintendent of Franklin School, JR Giacchi. Mrs. Zydon invited everyone to attend his first meeting. Mrs. Zydon thanked Mr. Snyder for reaching out to Mr. Postas and placing the strips in town by the Fire Department and Police Department. Mrs. Zydon spoke about helping each other in the community.

Mr. Rathbun commented he just realized he didn't see a request regarding recreation using the Senior Center for the Christmas Tree lighting

Mr. Rathbun made a motion to allow Franklin Recreation to use the Senior Center and the kitchen on December 3 for the annual tree lighting. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

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. 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 November 9, 2016 from John Kopcso, Jr. to Alison Littell McHose
Re: Resignation as Zoning Board of Adjustment member effective December 31, 2016.

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2. Letter dated November 3, 2016 from William T. Haggerty, Esq. Dolan and Dolan Re: Notice of Hearing before Hardyston Township Planning Board Biscak Brothers Realty, LLC.
3. Letter dated November 9, 2016 from the Township of Andover Diana Francisco, Administrator, to Clerks of Sussex County, Re: Lackawanna Cut-Off Restoration Project.
4. Resolution from the Sussex County Board of Chosen Freeholders supporting the Borough of Franklin's Grant Application to the New Jersey Department of Transportation for funding through the Transportation Alternatives Grant Program.
5. Letter dated November 1, 2016 from Stephan and Sarah Zydon Re: Supporting TAP Grant Application.
6. Letter dated October 30, 2016 from Peter West, Re: Supporting TAP Grant Application.
7. Letter dated October 30, 2016 from Joel Marcus Re: Supporting TAP Grant Application.
8. Letter date October 29, 2016 from Judy Williams, President Franklin Historical Society, Re: Supporting TAP Grant Application.
9. Letter dated October 29, 2016 from Kathleen Glynn and Virginia Bross Re: Supporting TAP Grant Application.
10. Letter dated October 29, 2016 from Juanita Yusko, Re: Supporting TAP Grant Application.
11. Letter dated October 29, 2016 from David and Ellen Pannasch Re: Supporting TAP Grant Application.
12. Letter dated October 29, 2016 from Sandra and Vincent Vieira Re: Supporting TAP Grant Application.
13. Letter dated October 27, 2016 from Brian Glenn and Steven Glynn Re: Supporting TAP Grant Application.
14. Letter dated October 29, 2016 from Joseph and Doris Bene Re: Supporting TAP Grant Application.
15. Letter dated October 23, 2016 from Jim and Judy Williams Re: Supporting TAP Grant Application.
16. Letter dated October 26, 2016 from Emily Bazelewich Re: Supporting TAP Grant Application.
17. Letter dated October 28, 2016 from Sally McGrath Re: Supporting TAP Grant Application.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for October, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of the Senior Center by the Franklin Quilters on the first and third Tuesday of each month except in June and July due to the Primary Election date and July 4th they will meet the following Tuesday and on the following Saturdays, March 18, May 20, July 15, September 16 and November 18, 2017.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 22, 2016.

Mr. Limon made a motion to approve the consent agenda of November 22, 2016.

Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

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Mr. Rathbun made a motion to approve the regular meeting minutes for November 8, 2016. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Animal Control Officer Shared Service Agreement

Mr. Rathbun made a motion to approve the Shared Service Agreement between the Township of Wantage and the Borough of Franklin for the service of Animal Control Officer of the calendar year 2017 in the annual sum of \$11,750.00. (This is a 2% increase from last year's amount of \$11,520.00.) Seconded by Mr. Dabinett.

Mr. Snyder asked why the 2 percent [increase]. Mrs. McHose explained it was what was requested and we reviewed it, the 2 percent increase is standard. Mr. Snyder commented if whatever they say they want were obligated to give there is a concern there. Mrs. McHose explained there is a cap [2%] they can't go over that.

Mayor Giordano asked do you want to see if we can get a better deal with them. Mr. Rathbun asked do you want to table to save some money.

Mr. Dabinett commented if you look at the number here gentlemen it increased from \$11,520. To \$11,750., which is a \$230.00-dollar increase, that isn't a bank buster. If we had to provide our own service it would cost us a lot more than that.

Mr. Skellenger commented he understands what Mr. Snyder is saying what negotiations was done to get to that number. Was it 2 percent and we just accepted it. He agrees with Mr. Snyder to find out more about this before we say yes.

Mayor Giordano commented it is up to you if you want to table this agreement. There is a motion and a second to approve it and asked for a roll call vote.

Upon roll call vote:

Ayes: Limon

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

Adoption of Ordinance 19-2016

Mr. Rathbun made a motion to adopt Ordinance 19-2016 "AN ORDINANCE PROVIDING FOR IMPROVEMENT OF MAIN STREET (PHASE II) IN AND BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$165,000 THEREFORE CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION." Seconded by Mr. Limon.

Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 19-2016.

No one from the public stepped forward.

Mr. Skellenger made a motion to close to the public ordinance 19-2016. Seconded by Mr. Rathbun. All were in favor.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Road Opening Permit

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Mr. Dabinett made a motion to discuss and approve a Road Opening Permit submitted by Elizabethtown Gas for 62 and 64 High Street.

Mayor Giordano commented in the beginning of the year we discussed putting a moratorium on any road cuts in the town. Normally when there is a road opening this is done by the Department of Public Works, but because High Street was just recently paved; he was not comfortable with that. Mayor Giordano commented he wanted this to come up to the Council level for a number of reasons; are we comfortable with people cutting into roads that we just paved, obviously no, in this particular case they are not cutting into the road itself they are going to be digging on what would be the sidewalk side there will be no actual cuts in the road.

Mr. Dabinett commented his committee discussed this and by no means will we allow anybody to cut our roads, after discussing with Mr. Knutelsky we believe they were not cutting the road. Mr. Dabinett called Elizabethtown gas and they confirmed they will not be cutting the road.

Mayor Giordano commented if the council is ok with this application we will do a roll call vote and we will put on a moratorium for the next meeting.

Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Resolution 2016-101

Mr. Dabinett made a motion to adopt resolution 2016-101 appointing Alison Littell McHose, as Fund Commissioner for the Local Unit calendar year 2017 and Darlene Tremont, as Alternate Fund Commissioner for the Local Unit calendar year 2017. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Resolution 2016-102

Mr. Dabinett made a motion to adopt resolution 2016-102 appointing Wayne Dietz, Skyland's Risk Management Inc., as the local Risk Management Consultant and the Borough Administrator as the authorized representative of the public entity is hereby authorized to execute the Risk Management Consultant's Agreement for the year 2017. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Risk Management Consultant's Agreement

Mr. Skellenger made a motion to approve the 2017 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Incidental Modification to Project Scopes/Limits

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Mr. Skellenger made a motion to authorize Robin Hough, Municipal Clerk to sign an incidental modification to project scope/limits regarding Main Street Project Phases 1 and 2. (Letter dated November 18, 2016, from Borough Engineer included in the Council packets.) Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

Resolution 2016-103

Mr. Skellenger made a motion to adopt resolution 2016-103 accept the project as complete for Proposed Resurfacing of North Rutherford Avenue performed by Smith-Sondy Asphalt Construction Co., Inc. (Thomas Knutelsky, Borough Engineer letter of recommendation dated November 17, 2016 provided in the Council packets.) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Limon

Nays: None Absent: Fantasia Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Rathbun made a motion to adjourn into closed executive session to discuss Garbage bid, Litigation 4 winds, Franklin Rifle and Revolver club. Motion seconded by Mr. Skellenger. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:33 p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Skellenger made a motion to return from executive session. Seconded by Mr. Rathbun. All were in favor.

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

MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:35p.m., seconded by Mr. Limon. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk