

**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
December 13, 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."

PRESENTATIONS

At this time, there was a presentation recognizing Darlene Tremont for her work on the Calendar which was nominated for and won NJ League of Municipalities award "Best Print Media".

Darlene Tremont stepped forward for the presentation. Mrs. McHose commented she is very proud that the Borough was nominated for and received. When we were in Atlantic City for the League of Municipalities we were introduced as the winner of the Best Print Media for the size town that we are. Robin Hough our Clerk, has been nominating the town for several years; when Darlene Tremont became a full-time employee with the town she was tasked with doing our town calendar. This is a very involved task; you have to track down dates, verify things and you have to be talented with software.

Mrs. McHose presented Mrs. Tremont with the award; because she is the one that is behind this award, and thank you Ms. Hough for nominating her.

Mrs. Tremont thanked everyone. Mrs. Tremont commented she is very appreciative, she works hard but it is also fun. She enjoys doing it and she is very honored that she finally won.

COMMITTEE REPORTS

Ms. Fantasia reported on the finance committee. We met on December 6, 2016, we went through our financials, legal and engineering bills, we reviewed revenue, year-end encumbrances, purchasing and budgeting policy. Ms. Fantasia commented she is very pleased to report that we are completely balanced for our budget at mid-December, our revenue is exceeding our expenditures partially due to MRNA. Ms. Fantasia asked Mrs. McHose to continue making calls to lean holders that purchased properties and will be paying the back-property taxes. Ms. Fantasia commented the CFO wanted to bring to the Council's attention the two audit points of improvement from this year. The first was encumbrance purchasing and the second was duties, having multiple people with oversight for them. The easier remedy of the two is to control encumbrance purchasing. To remind department heads that encumbrance purchasing is the norm and that is what is expected from the Municipality unless there is a case of an emergent situation she expects the encumbrance purchases are followed. Ms. Fantasia commented the CFO also asked her to mention we need to look into our budgeting policy for salaries moving forward and explained.

Ms. Fantasia commented the EDC did not meet due to various conflicts, in our January meeting we will set our goals for the upcoming year.

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Mr. Skellenger commented personnel and public safety didn't meet. Mr. Skellenger commented he wanted to congratulate and thank the Recreation Commission on an awesome tree lighting it was great and the Franklin Fire Department on a great venison dinner it was fantastic. Mr. Skellenger thanked all the first responders and everyone that responded to the plow truck that caught on fire during the first snow storm.

Mr. Rathbun reported on December 3, Franklin Recreation held its tree lighting, the trees looked great, there were a lot of activities for the children inside. Mr. Rathbun reported on public safety; we are trying to set a date to sit down with the R&R Range.

Mr. Snyder commented he doesn't have anything to report as far as buildings and grounds. Mr. Snyder commented his concern is with the Borough garage as far as what is happening at this time.

Mrs. McHose commented we were notified by D&H our insurance carrier that we are permitted to utilize the engineer that was recommended to us by our insurance adjuster and explained.

Mr. Dabinett reported on Thursday, December 8, the public utility committee met, himself, Mr. Skellenger and Glenn Soules. Mr. Rathbun and Mr. Skellenger were not able to make the meeting. They discussed the fact the new Kubota tractor and snow blower attachment was delivered on the 7th. We also discussed a report from Neo Systems addressing the radio that was completed by them in regards to the needs for Public Works to be able to monitor our wells and our sewer pumping stations. We also discussed the 2009 GMC truck that caught on fire on December 6; fortunately, no one was hurt as a result. Mr. Dabinett commented because of the Christmas Holiday we will not have another meeting this year for our committee.

Mr. Dabinett commented Steve Heller who has worked for the Borough for 32 years, worked his last day on December 9, he will officially retire on December 31, 2016. Everyone wishes Steve the very best in the future.

Mr. Dabinett commented all the trucks and equipment are in good shape and ready for the next round of bad weather and the new loader should be delivered by the end of the month.

Mr. Limon reported we have three items on the agenda; one is for a salary adjustment for the Senior Center Assistant, Eugene McInerney [contract] which is within the State mandate of 2% which will be a three-year contract. Also, running concurrent from the first of the year, which he should have received August 1 is the public works manager. Mr. Limon thanked Mrs. McHose for working and really taking the lead on this. Mr. Limon commented with the retirement of Steven Heller, we are working on an employee very shortly to replace him.

Mrs. McHose reported she has been working primarily on many of the budget items for the end of year and future 2017 budget, meeting with Monica Miebach and department heads and working to get the budget together and thanked the committee chairman for assisting in that.

Mrs. McHose commented on the RFP's for professionals, the Mayor had asked her to put that out. This is a Mayoral appointment but it is good practice to advertise, our four primary positions are Attorney, Bond Council, Engineer and Auditor. The ad was in the League of Municipalities and we already have had responses. We also placed the ad for RFP for the Carnival and we had one company respond [so far] and explained.

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Mrs. McHose reported she had correspondence from the Rent Leveling Board Attorney Angelo Bolcato; he reported Hillside Estates have been approved for annual increase, the application was received on November 28, by State law it is required to be 45 days after receipt of application so that rent increase will go into effect on January 12. Mrs. McHose commented she would like to compliment Mr. Frizzell, who is here tonight, and his management team, they do a very nice job and they have greatly improved the look and conditions for the residents up there.

Mr. Dabinett commented on the contracts for the police chief and department of public works supervisor, he understands this is recommended by our personnel committee is that correct. Would anybody like to have a discussion on these contracts before we vote on them.

Mayor Giordano commented we are going to have a discussion on them, yes absolutely.

Mr. Prol commented in closed session he would like to add R& R contract update. Mr. Prol explained two bills that went to the Senate today. One of the bills would eliminate the requirement that public notices be published in newspapers and would eventually allow them to be published on line and in other media as well. There was a brief discussion on the Senate bills.

Mayor Giordano reported on the plow truck that caught fire we are glad nobody was injured. The police department and fire department responded and glad everybody was ok. We also had a police vehicle involved in an accident the only thing he can say publicly is that it is being investigated. There were no serious injuries and we are glad to hear that.

Mayor Giordano reported RFP's went out for 2017, when they come in everybody will get a copy of them and we will go over them at the next meeting. We will decide what we want to do next year. The system we have right now is working well.

Mayor Giordano commented on the addendum tonight we have an ordinance combining the Planning and Zoning Boards, when we get to this it will be discussed. If the Council decides to move forward with this, we will form a committee to address who will be put on the combined Board and explained.

Mayor Giordano commented he has a question for the Council, we were working on tax foreclosures for some properties we were able to foreclose on last year one is the Ski Shop. The Attorney was not sure if the Council wanted him to work on a group of properties and hold this one property back and work on a block of properties for foreclosures. Mayor Giordano asked the Council would you rather work in a block or work individually.

Mrs. McHose commented for 2015 there were two properties that came back to the Borough, one block and lot was the ski shop and the house, the second was on Maple Road it is a field with one structure on that property. Mrs. McHose commented she spoke to Mr. Prol and Mr. Bolcato who suggested for 2016 tax sales from October, there were three properties that will come due in April for foreclosure since we haven't acted on the 2015 properties we could lump the five together. Mrs. McHose asked Mr. Prol is it one document?

Mr. Prol commented IN REM foreclosures are \$25.00 to file and \$.25 for each additional one but the court system has determined now they are going to inflate that fee to \$250.00 per property so it is a separate action for each property and explained.

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Mayor Giordano commented if we went as a block it would be easier to write for the Attorney and less Attorney fees. Mr. Prol explained.

Mayor Giordano commented we will direct Mr. Bolcato to do this as a block, which will happen in April.

Mayor Giordano commented to be careful of your identity he has been a victim of it and explained.

Mayor Giordano commented we will have an executive session for personnel and R & R contract.

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. All were in favor.

George Frizzell, one of the owners of Hillside Estates, stepped forward. Mr. Frizzell commented the effective date of the automatic increase is effective the 12th of January, he has to notify the residents and asked if he can send the notices out now. Mr. Prol will ask Mr. Bolcato, he has been working on this. Mr. Frizzell commented Mr. Bolcato does a good job we are late because it was our fault. Mr. Frizzell explained why the increase was so low.

Jackie Espinoza, JCP & L, stepped forward. Ms. Espinoza commented on a pole by the playground that wasn't in good condition and they will take care of that and explained. Mrs. Espinoza explained a program for linemen which will be a good opportunity for anyone interested.

Brian Glynn, 23 Fowler Street, stepped forward. Mr. Glynn commented on scams.

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented on a town that pulled out of the County Health Department because it is very costly. Mrs. McHose commented it is built into our tax base and explained.

Mrs. McHose commented for the record she has been very pleased with the work they have done, we have a health officer assigned to Franklin and since we have so many businesses that are restaurants and food business they have been good.

Mrs. Tatka asked about the 911 dispatch. Mayor Giordano explained the service the Borough uses with Sparta. There was a discussion back and forth regarding the 911 contract.

Mrs. Tatka asked if our police officer got hurt in the accident. Mayor Giordano commented there were no serious injuries in that accident. Mrs. Tatka commented on getting smaller cars. Mayor Giordano commented for the record that vehicle has a little six-cylinder motor.

Mrs. Tatka commented on the decorations at the pond being very tasteful. Mrs. Tatka asked about the hiring of a Borough employee and asked didn't the Borough hire someone with the last name of Burd for the road department.

Mayor Giordano commented yes. Mrs. Tatka commented than you are hiring another one. Mrs. Tatka cautioned keeping the 2% cap on those raises for the new year as promised.

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There being no one else present who wished to address the Governing Body, Mr. Limon made a motion to close the meeting to the public, seconded by Mr. Skellenger. 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 28, 2016, from John Hatzelis, Administrator, Sussex County Municipal Utilities Authority to All SCUMA Customers Re: Adopted FY 2017 Rate Schedule.
2. Letter dated November 18, 2016, from Bob Martin, Commissioner NJDEP to Clerks.
3. Letter dated November 17, 2016 from Richard T. Hammer, Commissioner, NJDOT, to Mayor/Freeholder/County Executive.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court report for November, 2016.
2. Municipal Court report for October, 2016.
3. Zoning Officer report for November, 2016.
4. Tax Collector report for November, 2016.
5. Construction Permit Activity report for November, 2016.
6. Construction report for November, 2016.
7. COH report for November, 2016.
8. Police report for November, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 13, 2016.

Mr. Limon made a motion to approve the consent agenda of December 13, 2016. Seconded by Mr. Skellenger.

Ms. Fantasia commented on two items, there are opportunities for two grants on the consent agenda so moving forward after reorg we can move forward of taking advantage of those. That is how the TAP grant came to our attention through the consent agenda. There was a brief discussion on the grants that will be available.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Re-Introduction to Ordinance 17-2016

Mr. Rathbun made a motion to reintroduce an ordinance 17-2016 entitled "AN ORDINANCE SETTING FORTH NOTICE OF STREET PAVING AND MORATORUIM ON STREET AND SIDEWALK EXCAVATION"

(This ordinance passed introduction on June 28, 2016 and was tabled on July 12, 2016. Minutes attached.) Seconded by Mr. Snyder.

Mr. Snyder commented we had concerns regarding moving forward, Mr. Dabinett was concerned with the expense of mailing out [notices]. Mr. Snyder commented he would like to see the Borough move forward with a three-year moratorium so that we

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wouldn't be obligated to tear up our streets after we put so much effort in getting them repaired and with that concern he would like to see this go forward.

Mayor Giordano commented on issues Mr. Dabinett had previously brought up. Mayor Giordano commented your concern was if there was to be development in the old lumber yard we would be tearing up the area of Rutherford Ave. Mayor Giordano commented he discussed this with the Land Use Attorney we can make sure in a developer's agreement which the Council would vote on, that road is taken care of to our satisfaction.

Mr. Dabinett commented that is a good point but he would have to do that anyhow. Mr. Dabinett commented he doesn't believe we need a moratorium, anybody that wants to come in and open our roads up has to come before the public utilities committee and then they have to deal with Mr. VanDenBroek. Mr. Dabinett commented he thinks by simply denying it unless it was an emergency he thinks the cost of sending out letters to every home owner on every street that we paved and at a time when we are looking to save money he thinks it is foolish to spend the money.

There was a discussion on the processes, the application that was for High Street, notices that would be required and costs, the municipal clerk's time and remove that language regarding the letters to eliminate the cost.

Mayor Giordano asked if Mr. Dabinett would be agreeable to removing that section of the ordinance on mailings.

Mr. Dabinett commented yes.

Mayor Giordano asked other Councilmen, they were agreeable.

Mayor Giordano commented we have a motion and a second, we need to amend the motion and the second to accept the changes.

Mr. Rathbun amended his motion. Mr. Snyder amended his second.

Mr. Prol read for the record ordinance 17-2016 with the changes.

Mr. Limon commented first he was for this, then heard Mr. Dabinett's argument saying with the fee [for mailings], we are eliminating the fee of the mailings, this is also an added level of red tape for the resident.

The discussion continued on the ordinance, the savings with the changes and the process.

Public hearing will be held December 27, 2016.

Upon roll call vote:

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

Nays: None Absent: None 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.) *This was tabled at the November 22, 2016 meeting.* Seconded by Mr. Limon.

Mrs. McHose commented at Mr. Snyder's suggestion, she approached Wantage Township about the possibility of reducing this to a 1% increase. We were not the

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only Municipality that approached Wantage about this, Andover Township also requested a 1% present increase rather than 2. Unfortunately, the Wantage Township committee rejected our request and are asking for the 2% increase. The small increase would not compare to the Borough having to take over this responsibility that would be a tremendous expense.

Mr. Snyder commented all he questioned was that we just didn't go and give them the 2%.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

NEW BUSINESS

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes and executive session meeting minutes for November 22, 2016. (Absent: Ms. Fantasia) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Limon, Rathbun

Nays: None Absent: None Abstentions: Fantasia

Shared Service Agreement for Deer Carcass Removal

Mr. Skellenger made a motion to approve the Shared Service Agreement between Space Wild Animal Farm Inc. and the Borough of Franklin for deer carcass removal from Municipal road right-a-way at a fee of \$31.00 per deer. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Municipal Software Inc. (MSI)

Mr. Skellenger asked what was the increase of \$1,260.00 for?

Mrs. McHose commented that is the difference for the previous year we were under warrantee we got a new server in the Borough Hall, we previously had a lot of trouble with the tapes and finally got a new one. There was a one year warrantee full coverage. The new fee covers labor, any tapes, software changes things like that. It is a monthly fee and that was the discrepancy in the bill.

Mr. Dabinett commented the one year warrantee is now up and this is taking the place of that warrantee.

Mrs. McHose commented it is a service fee that we now pay to maintain the server. We have to maintain good records of all of our documents.

Mayor Giordano referenced the bill, we can save \$1,000 if we pay this in full by March 31st.

There was a discussion on the bill and paying the bill early to get a discount. Ms. Fantasia commented this is something the finance committee would want to discuss with the CFO. Mayor Giordano commented we can table this if you would like.

Mr. Dabinett commented we can approve this tonight and come back with a resolution as to how it is going to be paid.

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Ms. Fantasia asked if anyone's vote to approve is based on the early pay or not because at the end of the day based upon what the Administrator just shared if for some reason, it was not eligible for early pay, that would not alter us on approving this, this evening. Ms. Fantasia commented to move forward with the intention to pay early to save money and we could vote on it tonight.

Mayor Giordano commented we can approve this and direct the CFO to pay it ahead of the term so we can get the discount. Mayor Giordano asked Mrs. McHose to direct the CFO.

Mr. Skellenger made a motion to approve 2017 Services with Municipal Software Inc. (MSI) for annual support in the amount of \$20,736.84 and annual maintenance in the amount of \$3,600.00. (Increase of \$1,260.00 over 2016 invoice for service contract on the server.) Mayor Giordano commented and the Council is directing the CFO to pay this bill prior to March 31, 2017, for the addition of \$1,036.84 discount. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-104

Mr. Skellenger made a motion to adopt resolution 2016-104 rejecting bid for Solid Waste and Recycling Collection, Transportation and Disposal. Seconded by Mr. Limon.

Mrs. McHose explained the resolution and bids.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-105

Mr. Dabinett made a motion to adopt resolution 2016-105 requesting approval of items of revenue and appropriation NJS 40A:4-87. The sum of \$5,000., is appropriated under the caption Drive Sober or Get Pulled Over – Year End Holiday Crackdown Grant. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Hillside Estates Mobile Home Park License Renewal

Mr. Dabinett made a motion to approve the renewal of the 2017 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-106

Mr. Dabinett made a motion to adopt resolution 2016-106 authorizing the establishment of a Domestic Violence Response Team (DVRT). (Agreement provided in the Council packets.)

There was a discussion on the resolution, agreement, funding, other towns having the DVRT team and this being requested prior.

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Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-107

Mr. Snyder made a motion to adopt resolution 2016-107 authorizing the purchase of a G70 Portable Wacker Diesel Generator in the amount of \$24,995.00. Seconded by Mr. Dabinett.

Mayor Giordano explained the resolution and having a portable generator. Mr. Dabinett commented back in June we were mandated by the State of New Jersey to have a backup generator for our South Street pumping station to keep the two tanks by Franklin Meadow filled. Rather than buying one generator and have it permanent we decided to buy a portable generator on a trailer to use it for the South Street Station, Borough Garage, Borough Hall and on our wells if need be. Mr. Dabinett commented on the price and being a great deal.

Ms. Fantasia thanked Mr. Dabinett for pushing this and being so active with it because this was something you were adamant about taking care of once we received that report.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-108

Mr. Snyder made a motion to adopt resolution 2016-108 awarding the professional services for tax map revisions to Civil Solutions a Division of Adams, Rehmann & Heggan Associates, Inc. for Tax Map Maintenance and GIS Maintenance Services in the amount of \$6,000.00. (Agreement and quotes provided in the Council packets.)

Mrs. McHose explained the resolution and the last time the tax maps were updated was 2011 and we are working on 2010 data.

Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-109

Mr. Snyder made a motion to adopt resolution 2016-109 directing the Franklin Borough Planning Board to undertake a Preliminary Investigation to determine whether the group of properties consisting of Block 57, Lots 18, 18,(was corrected to 19 due to typo) 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29 and 28, Block 69 Lot 1, Block 67 Lots 3 and 2. (As formerly designated on the Borough's Tax Maps), or portion thereof, is an area in need of redevelopment with the powers of eminent domain ("A Condemnation Redevelopment Area"). (The former Franklin Hospital Site and surrounding area.)

Ms. Fantasia pointed out the typo with the two 18's is actually 18 and 19.

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Former Blocks & Lots	Property address	New Block and Lot #
Bl. 57, L 18	21 Hospital Rd.	Bl. 1504 Lot 44
Bl. 57, L 19	19 Hospital Rd.	Bl. 1504 Lot 13
Bl. 57, L 40	135 S. Rutherford Ave.	Bl. 1504 Lot 24
Bl. 57, L 39	131 S. Rutherford Ave.	Bl. 1504 Lot 25
Bl. 57, L 38	129 S. Rutherford Ave.	Bl. 1504 Lot 26
Bl. 57, L 37	127 S. Rutherford Ave.	Bl. 1504 Lot 27
Bl. 57, L 36	125 S. Rutherford Ave.	Bl. 1504 Lot 28
Bl. 57, L 35	123 S. Rutherford Ave.	Bl. 1504 Lot 29
Bl. 57, L 34	121 S. Rutherford Ave.	Bl. 1504 Lot 30
Bl. 57, L 33	117 S. Rutherford Ave.	Bl. 1504 Lot 31
Bl. 57, L 32	109 S. Rutherford Ave.	Bl. 1504 Lot 33
Bl. 57, L 31	8 Franklin Ave.	Bl. 1504 Lot 32
Bl. 57, L 30	10 Franklin Ave.	Bl. 1504 Lot 34
Bl. 57, L 29	12 Franklin Ave.	Bl. 1504 Lot 35
Bl. 57, L 28	14 Franklin Ave.	Bl. 1504 Lot 36
Bl. 69, L 1	4 Franklin Ave.	Bl. 1506 Lot 1
Bl. 67, L 3	101 Rt. 23	Bl. 1505 Lot 3
Bl. 67, L 2	107-109 Rt. 23	Bl. 1505 Lot 2

Mrs. McHose commented for the record the reason all these block and lots were included was four or five years ago, when Mr. Nelson did the study of this area this encompassed a much broader area then they are looking to explore right now. We have been approached by the current owner of the old Franklin Hospital Site who purchased this from a bank sale. There are prior approvals on this property that go with the sale of the property. The new owner or developer is interested in pursuing some multi-unit housing there. The developer is requesting that just their block and lot be considered for redevelopment so it will be up to the Planning Board to determine if they can remove the other properties which were included.

Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-110

Mr. Snyder made a motion to adopt resolution 2016-110 awarding a salary adjustment with an effective date of January 1, 2016, for the Senior Center Assistant Jean Batty to \$8.38 per hour. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Police Chief Agreement

At this time, Mr. Snyder, stepped down, left the dais and the meeting room for this discussion.

Mr. Limon made a motion to approve the Police Chief Employment agreement between the Borough of Franklin and Chief Eugene McInerney from January 1, 2017 to December 31, 2019. (Agreement provided in the Council packets.)

Ms. Fantasia commented on section three salary, it says "The Borough agrees the employee a salary of \$138,010., for the year 2017 but this is a three-year contract.

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Mrs. McHose commented previously when the Mayor and Council offered to extend Chief McInerney's contract we [thought] that the Obama care change would go into effect in January of 2018. So, this was an oversight on a typo for her purposes. This should include language that says for successive years, in section 3 salary the Borough agrees to pay the employee the base of \$138,010., is the beginning salary at 2017. Mayor Giordano commented which is his salary today plus 2%. Mrs. McHose commented that is for January 1 of 2017.

Mrs. McHose commented what it should say is any additional year the increase would be 2% and that was an oversight on her part, we need to change that.

Mr. Limon made a motion with the corrected change and amount of the 2% in section 3 salary for 18 and 19. Mrs. McHose commented it is 2017, 2018 and 2019, it is a three-year contract. Mr. Limon commented yes, he will make that motion adding that in there. Mr. Limon commented this was unanimous on the personnel committee.

Ms. Fantasia commented the Borough has had benefits from the longevity of having the same Chief, one being a close look at the overtime and staffing. She had a conversation with the Mayor this week and we discussed the overtime for this month is at an unrepresented low for the Borough. We are hovering around \$2,000, for November overtime which is 100 percent unheard of. The Chief is doing an excellent job with that. Ms. Fantasia commented his general oversight of the department we are very pleased, we did comparable with other towns, the salary is very fair for a 30 plus year veteran leading our department. We did not think that 2 percent was an outrageous amount and that is why personnel was comfortable with it.

Mrs. McHose thanked the Mayor for his support.

Mr. Dabinett asked if everyone was in an agreement with a three-year contract, did anyone want a one or two-year contract.

Ms. Fantasia commented the committee was unanimous. The Mayor, Administrator and the Chief himself was agreeable to it and explained.

Mr. Dabinett commented in 2013 the police overtime ran about \$231,000 for the year, in 2014 the police overtime ran somewhere in the neighborhood of \$240,000 something thousands of dollars. Through us putting additional patrolman on and with the Chief's overtime policy there has been a tremendous savings.

Mayor Giordano commented yes, actually to fund those police officers and maybe even a tax reduction.

Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: **Snyder (left the dais and room)** Abstentions: None

Mr. Snyder returned to the meeting and the dais.

Department of Public Works Manager Agreement

Mr. Limon made a motion to approve Department of Public Works Manager Agreement between the Borough of Franklin and Brian G. VanDenBroek, from January 1, 2017 to December 31, 2019. (Agreement provided in the Council packets.)

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Mr. Limon commented we were supposed to renew his contract in August 1, he held out, to help us out, it is effective the first of the year so it runs in a cycle not halfway through the year. Mr. Limon thanked Mr. VanDenBroek for that.

Mayor Giordano commented for the record there are two minor changes. One there was no dollar figure in the compensation.

Mrs. McHose commented she did email that out, Monica was not here the day she received the final word document of this contract. There is a little change. Mayor Giordano said that referenced the employee handbook versus the DPW contract. Mrs. McHose commented yes, because he is a Supervisor of staff that follow the vacation day in their contract we didn't want his contract to reflect a different schedule so we looped him in with his employee's days off, so he would be working the same time as they were.

Ms. Fantasia read the employee's annual base salary of \$99,891 dollars an increase of 2% annually on January 1, during the successive years of the agreement commencing January 1 of 2017.

Mayor Giordano commented this used to be two separate positions, we have made tremendous strides in efficiency in the operating capability of our DPW. There has been a complete restructure of it. Mr. VanDenBroek has done a fantastic job; he was originally involved with making him a department head or combined departments and explained Only Mr. Snyder and Mr. Limon [and him] were the only people on that original Council.

Seconded by Mr. Rathbun.

Mr. Dabinett commented everybody is in agreement with a three-year contract; nobody wants to discuss a one or two-year contract.

Mr. Limon commented we had discussion in personnel and it was unanimous that we roll with three. Ms. Fantasia, Mr. Skellenger and especially Mrs. McHose and hearing reports back and everyone's opinions really helped him out. Mr. Limon commented he was involved with the first contract, he didn't support it, but seeing what is happening, what we are saving it is an eye opener. Mr. Limon commented he thinks our Road Department Superintendent is really looking out for us. Mr. Limon commented when he first voted on it three or four years ago, he didn't support it but he will be supporting it this time.

Mr. Snyder commented there was a time period where we were actually looking at another person to offer them a contract; Mr. VanDenBroek has been an employee of this town for many years, he knows the process of what needs to be done he knows where everything is to go get it and fix it. He is very thorough, if it wasn't that Mr. VanDenBroek was still here what a mess we would be in trying to resolve some of these problems going forward in the town with the DPW.

Ms. Fantasia commented Mr. VanDenBroek is incredibly frugal, one of the things being on finance is working with Mrs. Miebach our CFO it as if they are a match made in heaven, she has never seen a more frugal pair in her life, again to the town's benefit. When you see something like that and you have individuals that are saving the Borough that much money it is a very easy decision when we sit together to stem a three-year contract with a raise within the parameters of the 2% cap.

Mr. Dabinett commented he thinks he [Mr. VanDenBroek] is wonderful. And don't think because he raises these questions he doesn't think highly of him, he just felt

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the question had to be raised for the public's benefit to have a one, two or three-year contract.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ADDENDUM

Introduction of Ordinance 20-2016

Mr. Snyder made a motion to introduce an Ordinance entitled "AN ORDINANCE AMENDING AND SETTING FORTH REVISIONS TO THE FRANKLIN BOROUGH PLANNING BOARD AND CONSOLIDATING THE BOROUGH ZONING BOARD OF ADJUSTMENT PURSUANT TO N.J.S.A. 40:55D-25 (C).

Mr. Prol explained the ordinance and process.

The Council discussed the ordinance, trying to make the application process easier and more business friendly, speak with the Planning and Zoning Board members regarding the ordinance,

Mr. Dabinett commented he agrees with this ordinance.

Ms. Fantasia commented she has one concern, her concern is there have been individuals that have been participating in either Planning or Zoning up to as much as 20 years. Ms. Fantasia commented she doesn't feel it is in our best interest to make a decision without the feedback prior to making that decision on behalf of those who have served on those respective Boards for nearly 20 years. There could be something that we are missing, she is not in the position of making decisions for those who have been at it for years longer than she was out there. Ms. Fantasia commented is there a way of obtaining structured feedback from each Board so that we can take that information moving forward.

Mrs. McHose commented she had done a survey of the professional staff asking them their opinions. Basically, the engineer and planner are in support of this; the attorney for the Planning and Zoning Board is not in favor of it due to experience he had in other towns. Mrs. McHose commented she did inform the Planning Board and explained how she is trying to make Franklin business friendly. Mrs. McHose commented she will reach out to the individual on the Boards.

Mayor Giordano asked two members of the boards in the public to speak.

Sean Kidd, 3 Evans Street, member of the Planning Board stepped forward. Mr. Kidd commented he has been a member since August of 2015 as an alternate. The new Board is 13 members with the Mayor and Council taking up some of those seats. Chairman Cholminski is stepping down after 23 years of service or more. He doesn't think there will be an animosity on the new Board structure.

Richard Knop, 3 Newton Street, member of the Zoning Board, stepped forward. Mr. Knop commented he thinks it would be a good idea himself it's like two separate entities, one doesn't know what the other is doing.

Seconded by Mr. Rathbun.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing will be held December 27, 2016

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EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Skellenger made a motion to adjourn into closed executive session to discuss personnel and R & R Contract. Motion seconded by Mr. Limon. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:53p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Rathbun made a motion to come back to regular session. Seconded by Mr. Skellenger. All were in favor.

Mr. Dabinett commented he has been going through the employee handbook, the police contract and DPW contract and looking at the holidays that are given and none of them are the same. The employee handbook calls for Lincoln's Birthday and Presidents Day; another on call for Lincoln's Birthday and Washington's Birthday no mention of Presidents day. Mr. Dabinett commented he was under the impression years ago, the two holidays were combined into what is now known as Presidents Day.

Ms. Fantasia commented most have consolidated it [Lincoln and Washington] into one Holiday.

Mr. Dabinett read the New Jersey State Holidays. Mr. Dabinett comments the day after Thanksgiving is not a Holiday. He would like to propose we adopt this New Jersey Holiday schedule and amend the employee handbook come January 1.

Mr. Limon commented not for the FOP. Mr. Dabinett commented right now it isn't for contract employee's.

Ms. Fantasia read the County Holiday for Sussex County, on there is Lincoln's Birthday and Presidents Day and the day after Thanksgiving, it is recognized County wide. Mr. Skellenger commented Christmas Eve as well. Ms. Fantasia commented she is open for discussion about this but for Holiday's such as the day after Thanksgiving it is kind of culturally ingrained; it is something employees across the County and in the Municipalities, are accustomed to. A lot of people travel for their families, she would be much more agreeable to eliminating Lincoln's birthday and combining it into Presidents day. State and Schools celebrate one.

Mr. Dabinett commented he is trying to save the taxpayers.

Ms. Fantasia commented if we are the only Municipality in the County that is working that day, do you think that is a good thing, to have the Borough of Franklin the only town in the County Government that is working that day.

Mr. Dabinett commented he does.

Mr. Rathbun commented being that he works in the transfer stations we are a public necessity. Morris County recognizes 16 Holidays, he still has to work 10 or 11 of them and explained

Mr. Dabinett commented negotiation is give and take it is not give, give, give. The taxpayers at some point of time need a break.

The discussion on the Borough Employee's Holiday Schedule continued.

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Mayor Giordano commented the Council sets the Holidays we have time we can amend this on the first of the year.

Mr. Snyder commented he wouldn't tell the employees at this point, he wouldn't want to take away the day after Thanksgiving. Maybe Lincoln's, not the day after Thanksgiving.

Mr. Limon commented he wasn't for it but there is merit to it.

Mr. Dabinett commented at the very least the employee handbook, FOP contract and DPW contract should all have the same Holidays.

OPEN PUBLIC SESSION

Mr. Rathbun 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.

Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto commented a lot of places don't give their employees off on election day and trade that off for black Friday. You don't need off on election day you can go before work or after work. It is a common practice to be off black Friday.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented he is 100% in favor of combining the two Boards, he was on the Planning Board in the early 1980's and explained applications he listened too. This is the right thing to do.

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented what was the decision on the Holidays.

Mr. Prol commented there is none.

Mayor Giordano commented it was a discussion.

Mr. Dabinett commented whatever we want to do it will be for January 1.

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.

MISCELLANEOUS COMMENTS

Mr. Snyder wished everyone a Merry Christmas because he will not be here the 27th and New Year's

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 10:15p.m., seconded by Ms. Fantasia. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk