

**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 27, 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 and Mayor Giordano.

Absent: Mr. Skellenger, Mr. Snyder

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 at the last meeting we had three items on the agenda that ended our year for personnel. Mr. Limon requested an executive session for personnel.

Mr. Dabinett commented he had nothing to report at this time, in recapping we had a very productive year as far as our roads and Board of Public Works Utilities. We are moving in the right direction and look forward to next year to continue in that direction.

Mayor Giordano commented you [Mr. Dabinett] have done a great job as the Chairman of the Board of Public Utilities, he appreciates all the hard work. In the last month, we have been able to pick up and run extra hard.

Mr. Rathbun reported on December 22, Public Safety met with the R&R Club, we had pretty good/healthy dialog and we plan to meet again in mid-January.

Ms. Fantasia reported the Planning Board met on December 19, the resolution recommending an area in need of Redevelopment was actually voted on by an unanimous vote of yes with herself and the Mayor abstaining. We did discuss at length the combined Zoning and Planning Board. Mr. Cholminski is not seeking reappointment but it was very important to get his take on the situation. Some of the feedback from that meeting was we talked about the need for committee meetings prior to the actual meeting themselves and explained we discussed pre-meetings with attorney's and engineer's to reduce the time of the regular meetings. Ms. Fantasia commented on terms ending simultaneous; there was a little bit of discussion as to how that could be structured if terms of individuals were all ending at the same time that would be awkward. Ms. Fantasia commented there were professional service surveys and all the professionals that serve the Planning Board received very high ratings and satisfaction from the members.

Mayor Giordano commented the Planning Board did see value in the change to a Land Use Board, their concerns were the contractors. The idea of standing committees was brought up and his thought was that if that is the way the chairman of the Board wants to structure the Board we will as a Council give the Chairperson of the new Land Use Board the ability create a standing committee. That way they can review the applicant's information before they come to the Board to help streamline the process which was brought up by the Board Attorney Dave Brady.

Mr. Dabinett commented he thinks it is a good idea, we have created committees on this Council and he thinks we are all very satisfied with the way the committees function so he sees no reason why it wouldn't with the new Planning Board.

**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 27, 2016**

Mayor Giordano commented Councilwoman Fantasia and Councilman Skellenger, was given a list of everyone on both Boards. We are going to meet to work on the appointments to work on a final roster.

Mr. Dabinett commented he doesn't think all the appointments coming up at one time, he doesn't think that would be a smart thing to do, they have been staggered in the past.

Mayor Giordano asked Mr. Prol if we can stagger the appointments with their existing appointments on the other Boards.

Mr. Prol commented you should stagger them.

There was a discussion on the new Land Use Board.

Mr. Prol reported on communications with the attorney for Habitat and explained an issue brought up with property tax. Basically, once Habitat takes title to the property there will be a period of time perhaps even several years between application and building that the property will be in habitat name and that Habitat does not incur a tax obligation and explained.

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.

Louise Murphy, 75 Maple Road, Franklin, stepped forward. Mrs. Murphy is currently the Chairman of the Zoning Board. Mrs. Murphy referenced ordinance 20-2016 and asked can you explain A2 regarding a Class IV member on the second page.

Mr. Prol read that section and explained.

Mrs. Murphy asked about the class IV member that is also a member of the Board of Education.

There was a lengthy discussion on the ordinance, the Class IV member, being member of the Board of Education, that term of an appointment, a school board member is an elected position and the language from the existing chapter 161.

Mayor Giordano commented we can amend the ordinance and remove that line and explained.

Mrs. Murphy commented she doesn't want to leave the Board of Education. She would like to remain on both Boards. Mrs. Murphy explained when she stepped down from the Walgreens application. This section was just confusing.

Mayor Giordano commented we can discuss this further when we get to that [the ordinance] on the agenda.

The discussion continued on the Class IV member.

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 Ms. Fantasia. 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.

**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 27, 2016**

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated December 12, 2016, from John Hatzelis, Administrator, Sussex County Municipal Utilities Authority to Mayor Giordano Re: Estimated Annual Charge SCMUA Sewage Treatment Services.
2. Email from the Sussex County Health Department with letter from Ellen Phelps, MSN APN-BC, Re: Municipal Monthly Report.
3. Letter dated December 12, 2016 from Erin Kidd, Franklin Girl Scout Troop 897 to Franklin town Council and Recreation Commission.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. None Filed

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 27, 2016.

Mr. Limon made a motion to approve the consent agenda of December 27, 2016.
Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

OLD BUSINESS

Ms. Fantasia commented she would like to bring up a topic about digital distribution or our Council materials and explained the amount of material [paper] and the costs for the Borough paper, toner and time. Ms. Fantasia commented she researched how much tablets would cost for the Council, not iPads but Amazon Kindle tablets they are currently \$89.00 each with 16 gigs. Ms. Fantasia commented she talked with Mrs. McHose and a brief conversation with Ms. Hough just now regarding how we can go about setting up a google drive for all of our files so that we would never be on a quorum and explained.

Mayor Giordano commented he wouldn't have a problem with that.

Mr. Dabinett commented he agrees with you [Ms. Fantasia] and explained that he had brought this topic up previously.

Mr. Limon commented that would be great.

Mayor Giordano commented we can target implementing this in January, we will run it by when we have a full Council present.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for December 13, 2016. (Absent: None) Seconded by Mr. Limon.

Ms. Fantasia commented there is one correction she would like to make, it is on page 11 paragraph 4, where it says regarding overtime and staffing, that I had a conversation with the Mayor this week, we discussed over time for this month at an unprecedented low. It was the month of November, that \$2,000 figure was for the month of November not December.

**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 27, 2016**

Mr. Rathbun amended his motion, Mr. Limon amended his second with the change.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Adoption of Ordinance 17-2016

Mr. Rathbun made a motion to adopt Ordinance 17-2016 "PAVEMENT MORATORIUM – STREETS AND SIDEWALKS AN ORDINANCE SETTING FORTH NOTICE OF STREET PAVING AND MORATORIUM ON STREET AND SIDEWALK EXCAVATION" Seconded by Mr. Limon.

Mr. Dabinett commented his only question was at what point does the 45-day notice start.

Mayor Giordano commented at the point when we do our bidding.

Mr. Prol commented when you approve the resolution.

Mayor Giordano commented when we go out and bid we can add a line into the advertisement saying that the pavement of the moratorium applies.

Mr. Dabinett commented it was agreed at the last meeting that the Clerk is going to put this on the website, we will do that in addition with her putting this on the website.

Mr. Dabinett made a motion to open Ordinance 17-2016 to the public. Seconded by Mr. Rathbun.

No one from the public stepped forward.

Mr. Rathbun made a motion to close Ordinance 17-2016 to the public. Seconded by Ms. Fantasia. All were in favor.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Adoption of Ordinance 20-2016

Mr. Rathbun made a motion to adopt Ordinance 20-2016 "LAND USE BOARDS REVISIONS AN ORDINANCE AMENDING AND SETTING FORTH REVISION TO THE FRANKLIN BOROUGH PLANNING BOARD AND CONSOLIDATING THE BOROUGH ZONING BOARD OF ADJUSTMENT PURSUANT TO N.J.S.A. 40:55D-85(c). Seconded by Mr. Limon.

Mr. Dabinett made a motion to open ordinance 20-2016 to the public. Seconded by Ms. Fantasia. All were in favor.

Louise Murphy 75 Maple Road, Franklin, stepped forward, Chairman of the Zoning Board of Adjustment. Mrs. Murphy commented the question [she previously brought up] was the only question she had; then asked about having two meetings per month.

Mayor Giordano explained the meeting structure. The meetings are still advertised as Zoning and Planning Board on the Calendar. The new Land Use Board would assume one of the two meeting dates of either Board. Mayor Giordano commented he would like the Board to make that decision. The idea is you have to advertised

**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 27, 2016**

meetings you can use the second as a workshop or only when needed. You would only be doing one meeting a month.

Ms. Fantasia commented at the Planning Board meeting some of the members were pretty clear that they wanted to keep their date as the superseding Board as that being the meeting date. Ms. Fantasia commented she thinks that is the direction they are leading, she doesn't know what the makeup of the Board is going to be but that was just a feedback.

Mrs. Murphy asked so that is the third Monday. The only other explanation is A-2.

Mayor Giordano asked if anyone on the Council would be against striking down the following line that was brought up.

Ms. Hough asked this was already advertised in full can you make changes.

Mr. Prol commented not a significant change but he doesn't see this as a significant change.

Mayor Giordano commented it would be, "The term of the Class IV member who is also a member of the Board of Education shall terminate whenever he or she is no longer a member of such other body or completion of his or her Class IV term whichever comes first".

Mr. Prol commented if this sentence is not clear we can remove and explained.

Mayor Giordano asked Board members present if they had any comments, no one had any comments.

Mayor Giordano commented to the members we can have a brief meeting before executive session regarding the new Land Use Board, your input would be very valuable to him.

Mr. Dabinett made a motion to close ordinance 20-2016 to the public. Seconded by Mr. Rathbun.

Mayor Giordano commented we have a motion and a second to close the meeting to the public and asked for a roll call vote.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Mr. Dabinett commented he thinks the motion just passed was to close the meeting to the public was it not.

Mayor Giordano commented no, we did an all those is favor to close the meeting.

Ms. Fantasia commented we didn't do all those in favor it went into a roll call.

Ms. Hough asked that roll call was then to close.

Mayor Giordano commented if the Council [has any question about it] we will go back and redo it.

Mayor Giordano commented we have a motion and a second to close the meeting to the public. All were in favor.

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
December 27, 2016**

Upon roll call vote on adopting ordinance 20-2016 with removal of the one mentioned sentence:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Congregate Nutrition Program Shared Service Agreement

Mr. Limon made a motion to approve the Shared Service Agreement between the County of Sussex and the Borough of Franklin for the Franklin Congregate Nutrition Programs from January 1, 2017 to December 31, 2017. Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Resolution 2016-111

Mr. Limon made a motion to adopt resolution 2016-111 transfer of appropriations in accordance with N.J.S.A. 40A:4-58/59 in the amount of \$5,150.00. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Resolution 2016-112

Mr. Limon made a motion to authorize the purchase of a tri-axle construction trailer for the mini excavator from Hampton RV Sales, Inc. in the amount of \$7,305.00. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Mr. Prol commented on a clarification of the Statue for Resolution 2016-111 to be N.J.S.A. 40A:4-58-59 but it doesn't change what the Council was trying to accomplish he wants to have the resolution amended accordingly.

Application for use of the Senior Center

Mr. Dabinett made a motion to approve the application from the Franklin Historical Society for use of the Senior Center the second Wednesday of every month and respectfully request the fees for using the Senior Center to be waived. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Skellenger, Snyder Abstentions: None

Discussion on 2017 NJDOT Trust fund Grant Applications

Mr. Dabinett read at this time, there will be a discussion regarding 2017 NJDOT Trust Fund Grant Applications. (Thomas Knutelsky, Borough Engineer, letter dated December 22, 2016, regarding the grant applications provided in the Council packets.) Seconded by Mr. Rathbun. (no motion was needed it was only a discussion)

Mayor Giordano commented on the engineer's letter recommending Buckwheat Road which he would agree with doing.

**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 27, 2016**

There was a discussion on applying for more than one application, this being due to SAGE by February 3 and we would have to get this together at an swift pace, other roads the Borough should apply grant applications for, get this submitted now and others can be added later, discussion on what needs to be submitted for the application, some of the items we might have already, speak to the engineer and get this going the first of the year, an existing bond ordinance if there are funds left in that bond ordinance, this year [2017] do Buckwheat Road up to School Plaza, the gas tax that went through was to give Municipalities more money for roads, invite Tom Knutelsky to the next Public Utilities meeting to discuss future applications and to proceed with this application for now.

Mayor Giordano commented he will inform Mrs. McHose the consensus of the Council is to move forward with this and there may be additional added at the next meeting.

Discussion on this year's progress

Mr. Dabinett read at this time, there will be a discussion regarding this year's progress.

Mayor Giordano commented we kind of already discussed and explained. This first year had been a journey we all have learned a lot of things and explained.

Ms. Fantasia commented she has one thing to say regarding Councilman Snyder, this year it was a pleasure working with him. For finance, what we are most proud of was being able to balance the budget when we were initially in the hole. We were able to reduce taxes this year, provide more transparency, limit discretionary spending and Councilman Snyder is a huge asset to the finance committee and was a huge asset to her and to us as a whole, getting us in the right direction.

Mr. Rathbun commented as his first year as Councilman and doing the committees, going from watching how things progress from the audience to sitting up here. Mr. Rathbun commented he thinks the committees was a great idea, we got a lot more done with having the committee's.

Mayor Giordano commented Public Safety has done well, we have built a strong relationship with the FOP, which is not what we had in the past they are all very happy, the Chief is happy we have him for another three years which indicates we have been doing good there.

Mr. Limon commented he is just happy we finished the contracts by the end of the year, we worked hard on them and happy to see it over.

Mayor Giordano commented Mr. Dabinett has done a lot of work with the Public Utilities, they do a tremendous job and a lot of people don't know the work they have done.

Addendum

Discussion on the towing ordinance background check requirement

Ms. Fantasia read at this time, there will be a discussion on the towing ordinance background check requirement.

Mayor Giordano commented this was requested by the Chief of Police to clarify the ordinances. He questioned how a procedure should be done. Criminal History Background checks are done on people that apply for limousine licenses, taxi licenses and peddlers/solicitors. The Chief has noted that in our towing ordinance there is a background check requirement in the past what had been done was check driver's license. What we need to clarify is do we want the person who is doing the

**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 27, 2016**

towing to do a criminal background check like we do with anyone else that interacts with the public on behalf or as a contractor or authorized by the Borough of Franklin.

Mr. Rathbun commented it is not a bad idea and he would see why the chief would want to do this.

Ms. Fantasia commented it is an excellent idea, she thinks a background check is very important considering we have young men and young women that just get their driver's license and she would be much more confident as a parent to know that we had background checks in that situation.

Mr. Prol explained conversations he had with the Chief regarding clarification of this ordinance, the background check and the existing ordinance.

Mr. Limon commented on this being additional regulations and explained.

Mayor Giordano commented we require recreation to have a background check.

There was a discussion on requiring a background check.

Mayor Giordano commented for the record our ordinance does give the ability to say this person can do this. It would be up to the Chief's discretion. The Chief wants to make it all the same for everybody, taxi license, limo license etc.

Ms. Fantasia commented it does protect the Borough to do the background check.

Mr. Dabinett commented he thinks it is a good idea to have in the ordinance and this will protect our loved ones and residents in the Borough, he has no problem with this.

Mayor Giordano commented the consensus is that we would tell the Chief to do the same as the Taxi cab and other licenses.

Mayor Giordano commented we will have an executive session but a short meeting with Zoning Board members before that.

EXECUTIVE SESSION

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

After meeting in closed session, the Governing Body returned to their seats at 9:10p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Rathbun made a motion to return into regular session. Seconded by Mr. Dabinett. All were in favor.

Mayor Giordano commented for the record we also discussed shared services and wanting to explore shared service especially with our neighboring town.

Mr. Prol commented the matter discussed in closed session. Mayor Giordano commented were personnel and shared service.

OPEN PUBLIC SESSION

**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 27, 2016**

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

MISCELLANEOUS COMMENTS

Ms. Fantasia asked what was the duration of the meeting on Sunday, [reorganization.] She was asked this twice, 45 minutes to an hour.

Mayor Giordano agreed and briefly explained reorg.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Rathbun made a motion to adjourn the meeting at 9:15p.m., seconded by Ms. Fantasia. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk