

**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
February 14, 2017**

Council President Mr. Dabinett 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. Skellenger and Mr. Snyder.

Absent: Mr. Limon, Mr. Rathbun, Mayor Giordano

Council President Mr. Dabinett led the assembly in the flag salute.

Council President Mr. Dabinett 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

Ms. Fantasia reported she does not have a committee report for EDC due to weather conditions on Thursday, she is not sure if EDC will reschedule or retain our monthly schedule beyond that.

Ms. Fantasia commented on Personnel, Mr. Limon is not here, so she can share some brief highlights but she doesn't have his full report. Ms. Fantasia commented on the addendum the personnel committee had a recommendation regarding the meter reader that we had discussed at the last meeting. Also on the next agenda, our last February meeting will be information regarding the salary adjustments that we have discussed, every Council member will receive written information to review and we will be having that added to the next agenda for the two employees.

Ms. Fantasia commented we had a meeting of the finance committee, we gathered a lot of information at that meeting. First of all, at the last Council meeting our Chair Councilman Snyder had reported back that for the fourth quarter we were at around 93 percent for collections, she is happy to report that number made it up to 97.1 and then 10 days after that we even hit 97.3 but unfortunately it was 10 days after that, we almost made it to that 97.4 number that we were looking for. However, if we do hit 97.4 percent collected and explained the rut number and a situation with uncollected water and sewer. Ms. Fantasia commented just to let you know we were \$45,000 short in water and sewer collections this year.

Ms. Fantasia commented you will notice on the consent agenda we received something from another Municipality regarding the impact of Bail Reform on all the Municipality budgets. Therefore, our budget may be difficult to determine at this point based upon the cost of Bail Reform but we are moving forward, as you know we are not responsible for education funding and explained.

Mr. Skellenger had nothing to report.

Mr. Snyder reported last time he mentioned with regards to building and grounds, the air conditioning and alarm cameras we need to go out for RFP to have those done, he hasn't been able to get that meeting together. Mr. Snyder commented he is asking the Administrator and the committee to possibly meet next week so we can get going on the RFP's.

Mr. Dabinett reported the public utilities committee was snowed out also, one thing our committee recommends that we go ahead and purchase a new dump truck at the proposed cost of \$76,742.80, from which we are getting \$36,900 from the insurance company and asked if that was the correct number. It was \$39,000 and change so the cost of the new vehicle would be \$39,821.80.

Mr. Skellenger commented we [would get] \$36,921.00 for the truck. Mr. Dabinett commented the total price would be \$39,821.80.

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Mrs. McHose reported on buildings and grounds she scheduled a structural engineer through our insurance company to come and inspect the damage to the DPW garage from the accident last year. Ongoing review with the RFP's are being drafted for security improvements. Public Utilities the new equipment that was purchased were very useful in the last two snow events.

Mrs. McHose reported JCP & L was responsive to our calls during the recent power outage, the outage was for approximately 3 hours and impacted over 800 homes in the Borough.

Mrs. McHose reported she is working on the contract regarding Verizon, they are installing some equipment at the base of the Evans Street Water Tank, that work has already begun.

Mrs. McHose reported she discussed today several upcoming projects with County Engineer, the three projects we will be working on with them are the Safe Routes to School on 631 from the Viaduct to Buckwheat, a small paving project which he didn't identify exactly where but they will let us know when and where. The third project is the potential of the TAP; Grant, the path at the pond. They will be helping us with some issues since that is along 631. Mrs. McHose commented she is requesting a meeting with DOT regarding an update on the Safe Routes to School because we haven't heard from them since November.

Mrs. McHose commented on personnel, she announced we have an intern working in Borough Hall who is completing her paralegal certificate at Sussex County Community College, she is working 100 unpaid hours and working in the Land Use Office, Courts, Administrative offices and the archive area.

Mrs. McHose commented she is working with the personnel committee to updating our employee handbook.

Mrs. McHose reported a second advertisement went out for the RFP for the Franklin Carnival. There were no responses to the first printing so we are hoping to have some activity with the second printing. The recreation commission will be looking for several activities at the pond this summer and is always looking for volunteers. Mrs. McHose commented she will be arranging a meeting with the Boy Scout and Girl Scout officials to review our charters because our Recreation Commission charters both the Boy Scouts and Girl Scouts, we want to make sure we are up to speed with our responsibilities and their responsibilities to the town.

Mr. Dabinett commented you forgot to mention you are looking for grant writers also. Mrs. McHose commented yes and explained.

Mr. Snyder commented with regards to the grant writing he had spoken last meeting about a safer grant, that [deadline] has passed us. We were not able to do that, he had called up Mr. Williams and referred him to that several days before but he didn't know if he would be able to do it. He hadn't heard back from them so he believes because we were not able to get that done.

Mr. Prol commented he is requesting we go into closed session to discuss a couple of items; one the proposed ordinance, last night they met with the R & R Rifle Range and wants to update the members that were not there.

Mrs. McHose asked can we also discuss the potential of the Court, the request we received from the other Municipality on the possibility of sharing Courts. Mr. Prol commented the potential shared service with Ogdensburg Court.

EXECUTIVE SESSION

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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 attorney client privilege matters. Motion seconded by Mr. Snyder. All were in favor.

Proposed Ordinance, R& R Rifle Range and the potential of shared service with Ogdensburg Court.

Mr. Prol commented he estimates this would take 20 minutes; when we come out action may be taken regarding any number of issues.

After meeting in closed session, the Governing Body returned to their seats at approximately 7:40 p.m. and Council President Mr. Dabinett declared the meeting to be reconvened into open public session.

Mr. Snyder made a motion to return from Executive Session. Seconded by Mr. Skellenger. All were in favor.

Mr. Prol commented we are back in public session the items specifically discussed in closed session were the R & R [Rifle Range], a proposed ordinance that will be heard tonight and the potential shared service with Ogdensburg regarding Municipal Court services.

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 Ms. Fantasia. All were in favor.

Stephen Zydon, Chairman of EDC, Franklin, stepped forward. Mr. Zydon commented to answer Ms. Fantasia's question regarding the next EDC meeting, we will be having our normal session; we will not reschedule.

Mrs. Tatka, 151 Mable Road, stepped forward. Mrs. Tatka asked how much is the Borough receiving from the insurance on the police car. Mr. Dabinett commented he doesn't have that figure.

Mrs. Tatka asked about the Borough getting tablets and the final decision. Mr. Skellenger commented we actually have a unanimous donor who will be donating used iPads to the Council and the Administrator at no cost, he was able to get that.

Mrs. Tatka asked about checking into Health Care Costs. Mrs. McHose explained. Mrs. Tatka commented merit raises were mentioned and she was wondering are these in addition to what the regular raise is going to be or is this merit raise all one raise like a regular raise.

Ms. Fantasia commented there aren't any merit raises that we were discussing we were discussing salary adjustments for two positions that have increased or different duties but there are not merit raises per say other then what is on the agenda this evening regarding the evaluation of the DPW employee from Mr. VanDenBroek but there are no additional merit raises.

Mrs. Tatka commented so this additional money to be giving to these several people plus a regular raise for 2017. Ms. Fantasia commented there are no merit raises. Mrs. McHose commented she thinks she is talking about the 2 percent raise. Mrs. McHose commented that is not always done. Ms. Fantasia commented the finance committee has not even met to discuss our recommendations for that at all for this year. Ms. Fantasia commented those are salary adjustments that were made to us last year.

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Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto questioned the ordinance for driveways, it lists three suitable surfaces, asphalt, concrete and pavers with an exception of Mayor and Council. Mr. Raperto wanted to know if he can do reinforced grass.

Mr. Dabinett commented he would suggest to run that by our Borough Engineer and get a decision from him.

Mrs. McHose commented in order for this to be considered the ordinance would have to be changed, she can contact the Engineer and explained. There was a discussion back and forth.

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.

CONSENT AGENDA

Council President Mr. Dabinett requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Memo dated February 3, 2017, from Robin Hough, Municipal Clerk and Alison L. McHose, Administrator to Mayor and Council, Re: 2016 Trust Fund Monitoring Report.
2. Memo dated January 27, 2017, from Karen Osellame, Planning Board Secretary, to Robin Hough, Borough Clerk Re: Resolution Annual Report.
3. Letter dated January 17, 2017, from Angelo Baron Superintendent Wastewater Facilities, SCMUA to Mrs. Alison McHose, Administrator Re: Sewage Flows.
4. Resolution from Bradley Beach, Monmouth County New Jersey supporting the filing of a complaint by the NJ Association Counties with the NJ Council on Local Mandates that the Criminal Justice Reform Act N.J.S.A. 2A:162-15 ET SEQ., constitutes an unfunded State Mandate in violation of Article VIII, Section II, Paragraph 5 of the New Jersey Constitution.
5. Letter dated February 6, 2017, from Aimee Zschack, President, Board of Health, to Mary Alonso Re: Appreciation letter.
6. Letter dated February 6, 2017, from Aimee Zschack, President, Board of Health, to Kristen Alonso, Re: Appreciation letter.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report for January, 2017.
2. Construction Report for January, 2017.
3. COH Report for January, 2017.
4. Tax Collector Report for January, 2017.
5. Police Department Report for January, 2017.
6. Health Department Report for January, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Applications for renewal of the following Vending Machine license, Coca Cola Located in Wal-Mart #2090, Weis Markets #147, Vendomatic Inc. machine located in the Dollar Tree #4102, Double M Vending machines located in Kos's Korner, Wal-Mart #2090 and Shop Rite, for the year 2017.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 14, 2017.

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Mr. Snyder made a motion to approve the consent agenda of February 14, 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

OLD BUSINESS

Ms. Fantasia commented there was talk in the past regarding a dog park that went along with renovations of the pond and the TAP grant. Ms. Fantasia commented a resident sent herself and the Administrator an email yesterday regarding having a potential dog park in Franklin. Ms. Fantasia read the email.

NEW BUSINESS

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes and executive session meeting minutes for January 24, 2017. (Absent: None) Seconded by Mr. Dabinett.

Mr. Snyder commented he would like to point out on page 3 paragraph 4, where he commented on the percent of taxes, reading through it a miss sense of what the final calculation, he wishes is was 99.16 but it is not that. What he meant to say was the first quarter, he would love to say it was 99.16 we are at right not but it is not. Mr. Snyder commented he would like to make the first quarter percent was 99.16. Mr. Prol wrote down the change for the Clerk. Mr. Prol commented we will redact the final calculation so far and say the first quarter percent calculation was 99.16.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Adoption of Ordinance 01-2017

Mr. Skellenger made a motion to adopt Ordinance 01-2017 "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING ARTICLE II, CHAPTER 5 ENTITLED: ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE BOROUGH OF FRANKLIN, TO RESCIND AND REPLACE SUBSECTIONS 5.4, 5.5 AND 5.7 – RULES OF COUNCIL, ORDINANCES AND RESOLUTIONS, AND POWERS AND DUTIES OF THE MAYOR." Seconded by Mr. Dabinett. Mr. Prol asked for someone else to second the motion. Seconded by Ms. Fantasia.

Prior to final roll call Council President Mr. Dabinett opened the meeting to the public for any comments regarding ordinance 01-2017.

Mr. Snyder made a motion to open to the public ordinance 01-2017. Seconded by Mr. Skellenger.

Mr. Prol commented members of the public can step forward for the adoption of ordinance 01-2017 and read the title of the ordinance.

Joann Tatka, 151 Maple Road, stepped forward. Mrs. Tatka asked Mr. Dabinett you are in the position of the Mayor and you can still be counted as a regular vote.

Mr. Prol commented he is not the Mayor, he is the Borough Council President if the Mayor is sick he will be running the meeting, he doesn't step in or his is not acting Mayor in any way. He is still a Council member and he still can vote.

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Mrs. Tatka asked this ordinance is not changing any powers or duties of the Mayor or Council as it stands.

Mr. Prol commented the ordinance as proposed will rescind the existing ordinance which is a recitation of certainties and powers. They simply restate what state law provides in the State, there is some additional language but no less. What this proposed ordinance does on second reading if adopted will rescind fully the powers and duties of the Mayor under the ordinance. The Council itself here has no power to rescind any powers or duties of the Mayor under State law those remain in effect so in many ways this makes no changes. There is one specific provision in the ordinance which gives the Mayor some supervisory authority over the employees of the Borough. Mr. Prol commented he had expressed a concern previously that in fact the Administrator is delegated that authority under State Statue and the Council has previously delegated supervisory authority over the Borough Employees that will remain in effect. Mrs. McHose will remain as the supervisor of all the Borough Employees and this will take away having a second voice out there that could potentially cause some conflict in the way the employees are governed. Since she [Mrs. McHose] is on site here all week, that is her job here is to govern the employees and supervise them, she has been delegated that authority by Statue and by this Council.

Mrs. Tatka questioned 5.4b intentionally left blank. Mr. Prol explained that is there because there was previously a provision there and he didn't want the public to think we made a mistake by not putting anything in there and explained.

Steve Zydon, 346 Rutherford Ave, Franklin, stepped forward. Mr. Zydon asked is the reason for the change is for clarification from 5.4 and 5.5 to what the State Statues are. Mr. Dabinett commented that is correct.

Mr. Zydon asked if this was a change in Government to Falkner Act. Mr. Prol commented absolutely not the Council does not have that power. Mr. Zydon asked our ordinance says the mayor has supervisory powers but this 40A-60-5A states the Mayor shall be the head of the Municipal Government and have all those powers distributed by the general law. The lawyer just said he has no supervisory administration under the new State Statue but he is still the head of the Government. Can you explain the difference?

Mr. Prol commented the language ahead of Government is broad, he can sign contracts, act on behalf of the Borough and the Mayor would be the official spokesperson for the Borough. In that way, he is the head of the Borough. There is a separate State Statue which allows the Council, in there to have the power to run the government. In the Borough form of government, it is referred to a weak Mayor, strong Council form of government. So, what happens here is the supervising of employee is invested in the Council, in fact it makes no sense to have six people governing employees. There is a separate Statue that allows the Council specifically to delegate their supervisory authority to the Administrator. There is no Statue that allows the Council to delegate a supervisory authority to the Mayor. That is why he was a little concerned about that, the Statue specifically allows the Council [with] that authority to supervise to then delegate it an Administrator. The Administrator is actually selected by the Mayor.

Mr. Zydon asked then who is the Administrator accountable too. Mr. Prol commented the Administrator is accountable to the Council and is selected by the Mayor.

Mr. Prol commented the Mayor is the head of the meetings, he provides over them, he signs contracts. Mr. Zydon commented you already went over that, to me it

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sounds like you are trying to pull power away for the Mayor and put it all to the Council. Mr. Zydon commented as a voter when he votes for a Mayor he has an expectation as to what that Mayor is going to do and not have his power taken away. Mr. Prol commented this is power by Statue vested in the Council it was never vested in the Mayor and explained.

Mr. Zydon commented he thinks we should just stick with what we got it tells you who does what instead of going to the State Statue.

Mr. Skellenger made a motion to close to the public ordinance 01-2017. Seconded by Ms. Fantasia.

Upon roll call vote to close to the public ordinance 01-2017:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Upon roll call vote on the main motion to adopt ordinance 01-2017:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Resolution 2017-22

Mr. Skellenger made a motion to adopt resolution 2017-22 authorizing the transfer of appropriation Reserves in the amount of \$550.00. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Resolution 2017-23

Ms. Fantasia made a motion to adopt resolution 2017-23 approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Buckwheat Road Resurfacing project. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Resolution 2017-24

Ms. Fantasia made a motion to adopt resolution 2017-24 to approve a coin toss fundraiser for the Walkkill Valley First Aid Squad for May 27, 2017, June 24, 2017, July 1 and 2, 2017, August 5, 2017, August 12, 2017, September 2 and 3, 2017 and September 23, 2017. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Approval of New Jersey State Firemen's Association Membership Applications

Ms. Fantasia made a motion to approve the applications for membership of Jason R. Havel, 32 John Wilton Street, Franklin and Kody J. Conklin, 31 Sterling Street, Franklin to the Franklin Fire Department as recommended by Fred Babcock, Franklin Fire Department Chief. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: Snyder

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Resolution 2017-25 Release of Performance Bond

Mr. Snyder made a motion to adopt resolution 2017-25 of the Governing Body of the Borough of Franklin Authorizing release of Performance Bond to Smith-Sondy Asphalt Construction Co. Inc. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

Discussion on the Police Department Vehicle and DPW Vehicle

Mr. Snyder read at this time, there will be a discussion regarding a Police Department Vehicle and DPW Vehicle. Mr. Dabinett Seconded but it is only a discussion.

Mrs. McHose referenced the emails in the Council packets, recommendation by Ray Smith the Mechanic through Mr. VanDenBroek, and insurance company and explained.

Mr. Snyder read the email subject claim 056896 12/11/16 police vehicle from Jennifer Stickle, D & H Alternative solutions and explained the numbers from the insurance company in the email.

There was a discussion on the options and whether or not to take action tonight and this discussion is only to accept the payout not to purchase a vehicle,

Mrs. McHose commented there is no rush but this has been ongoing for weeks and months, she would like to get it done if possible.

Mr. Snyder made a motion to accept \$19,325., for the insurance payout. There was no second on the motion.

Ms. Fantasia asked if we can vote to table. Mr. Prol commented if there is no second then it will just go to the next meeting. Ms. Fantasia commented her only reservation, is that it was on here for discussion, she understands she can take action on it, we are down a Mayor and two Council members she would feel more comfortable if we had everybody at the table to add this to the agenda as actionable moving forward at the next meeting.

Mr. Dabinett commented on the dump truck, he has a quote from Mr. VanDenBroek for a new Ford F550 dump truck with plow and radios and then explained what the cost would be for the Borough.

Mr. Snyder commented being in that frame of mind not to make a decision on this particular one, not having the Mayor and the other Council members present we might as well not do this at this time.

Mr. Dabinett commented we will table them both.

Application for Senior Center

Mr. Snyder made a motion to approved the application for use of the Senior Center by the Concerned Citizens for a Better Franklin for the first Thursday of each month from 6:30PM to 8:30PM, and to waive the certificate of insurance and fees. Seconded by Mr. Skellenger.

Mrs. McHose explained for the record the organization and waiving the fees and insurance.

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Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

ADDENDUM

Part Time Meter Reader

Mr. Snyder made a motion to authorize the Borough Administrator to advertise for the position of a part time meter reader at \$15.00 per hour and 150 hours per quarter. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

DPW Employee Step Increase

Mr. Snyder made a motion to approve DPW employee Ray Smith step increase to step seven of the Public Works Department Contract to \$24.10 per hour, retroactive to January 1, 2017. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon, Rathbun, Mayor Giordano Abstentions: None

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. Snyder. All were in favor.

No one from the public stepped forward.

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

MISCELLANEOUS COMMENTS

Mr. Snyder commented the DPW employees did an excellent job with regards to the last week and a half of bad weather taking care of the roads, he understands we were able to have everyone do what they needed to do, no break downs and keep the taxpayers satisfied.

Mr. Dabinett agreed with Mr. Snyder. Mr. Dabinett commented with a man down and a truck down he thinks they did an excellent job.

Ms. Fantasia commented she would like to request again if we can invite the students from Franklin School here who achieved that award at Rutgers maybe at the next meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting approximately 8:20 p.m., seconded by Mr. Snyder. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk