

**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
March 16, 2017**

Mayor Giordano called the meeting to order this meeting was postponed because of the snow on Tuesday, [March 14] and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Dabinett, Ms. Fantasia, Mr. Limon, Mr. Rathbun, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: None

Mayor Giordano led the assembly in the flag salute.

Mayor Giordano stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

COMMITTEE REPORTS

Mr. Limon reported recreation had a meeting last week, he was not in attendance, there will be a fishing contest April 15th, from 9:00AM to noon at the Franklin Pond. The week after that is the Senior Spring Fling, April the 22nd. We also have some items on the agenda for Recreation.

Mayor Giordano commented Braen Aggregates will be sponsoring the Trout Derby again this year.

Mr. Limon reported personnel items are on the agenda with the support of the committee.

Mr. Dabinett reported our DPW did a terrific job with the snow storm, they came in Monday night at midnight and worked around the clock and explained the conditions of the roads.

Mr. Snyder asked Mrs. McHose to speak to Mr. VanDenBroek with regards to the snow piles at the intersections. They are piled to high; cars have a tough time getting out and seeing the traffic. Mrs. McHose commented she believes they started to work on that, because she had passed on a few complaints to DPW about areas that are difficult to see.

Mr. Snyder reported on building and grounds; ongoing issues with the air conditioners on top of this building, we are going to be going forward with that. Mr. Snyder commented the finance committee met we are introducing the budget tonight and Ms. Fantasia will speak on behalf of what we have done. There was a discussion the grant Mr. Kidd had mentioned regarding the air conditioning units.

Mr. Rathbun commented he had nothing new to report.

Mr. Skellenger commented he had nothing to report.

Ms. Fantasia reported on EDC; they met last Thursday, we discussed ordinances in town, EDC wants to recommend some ordinances to the ordinance committee to take another look at, one specifically being a little more clarity on signs. EDC also discussed the grant process and the amount of work that is entailed and explained some potential development in towns. The next EDC meeting is a joint meeting with Hardyston. If you have anything you would like us to discuss with Hardyston bring that to our attention or come to the meeting. EDC also wants to establish what our big project for the year is going to be.

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Ms. Fantasia reported on Planning Board; we met on Monday night the 20th, as far as personnel it is on the agenda tonight. We will be going into executive session and hopefully we will have something to share with the public after executive session. As far as the finance committee we have been working many, many hours on the budget; it is a testament to our CFO, Department Heads and Alison, for all of the work they have been doing; being able to put this together, we had a lot of challenges this year. When we do the introduction, we will go through the specifics of it. Ms. Fantasia commented she is very pleased with the collaboration that was shown with all the departments.

Mayor Giordano commented he thinks the public will be pleased with the budget, it seems to be a good thing.

Mrs. McHose commented on Tuesday, March 7th, we had a contractor here to assess the [Air conditioners]. We had a quote obtained for the purchase of cabinets for the concession stand. We are doing some improvements at the concession stand to hopefully open that this summer. On Friday, March 10th, we had a technician from CenturyLink here, for those of you that have called Borough Hall and not been able to get through, we lost a line somewhere during the last storm when the power outage occurred. According to CenturyLink all the lines coming into the building are live, so now we have to get a contractor, a technician that does work inside the building to figure out where the problem occurred; it impacts both incoming and outgoing calls.

Mrs. McHose commented she attended a meeting on March 7th, with the Borough Engineer at NJDOT headquarter in Mount Arlington to discuss the Safe Routes to School project, the sidewalks from the E-07 Bridge to Buckwheat Road. The Planning and design phase is going on right now, we have no scheduled date for construction but as soon as we do she will report that. After that meeting, she stayed after to discuss the approval of the NJDOT grant for improvement to Buckwheat Road, the decision should come in late spring. We will be proceeding with phase one most likely before that grant is announced most likely we won't know about phase II on Buckwheat but we can get started with Phase I.

Mrs. McHose commented to date we received 20 applications for the meter reader position and that job will close tomorrow. Initial review and scheduling of interviews will be conducted by herself and the DPW Supervisor. We will be reporting to the personnel committee on the results of that. The Miss Franklin contest will be held at the School on May 20th, as always, we are looking for sponsors and vendors in the area.

Mr. Prol reported on a meeting he had with the Supreme Court on Monday and explained the issues on Municipalities and Tax Courts. Mr. Prol asked Mayor Giordano, he knows we have a closed executive session with two items, he would like to add a third and explained the Rifle Range contract will expire and he would like to discuss that with the Council.

Mayor Giordano commented we are expected in conjunction with the DCA Planning Grant the Zinc Mine will be coming forward with a subdivision which hopefully will be good news for the Borough and explained different development should be coming up from the Planning Board; if you have time attend a Planning Board meeting.

OPEN PUBLIC SESSION

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

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Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented the job for the meter read was not posted on the website. Mrs. McHose commented it is there. Mr. Durina wanted to know the date it was posted and if it was the same day it was posted in the New Jersey Herald.

Mr. Durina commented on being the towns cheerleader, he has to retire from that position, there is not much to cheer about with 8 % raises. Mr. Durina commented not to take the remarks personal. We are a low-income town and a low property value town. Mr. Durina commented on an article from the NJ Herald a few weeks ago on a study that was taken by United Way and explained points in the article and passed out the article to the Council. Mr. Durina commented on his raise he received from Social Security, the amount received and the average amount of a Social Security check. Mr. Durina commented to think about all of the residents in Franklin, we have to hold the taxes down, he knows you guys are doing a great job, it is not easy sitting up there, but you have to look out for everybody in town, there is a lot of people in Franklin suffering. Mr. Durina commented on the school past and present and the need to start thinking outside the box and explained. Mr. Durina commented we all have to work together to hold the tax rate down.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked if the Borough ordered a new police car. Mayor Giordano commented to his knowledge no, you would know you come to the meetings. Mrs. Tatka asked if a new truck was ordered. Mayor Giordano explained. Mrs. Taka asked about the damage that was done to the Borough Garage. Mayor Giordano explained what had happened.

Mrs. Tatka, commented please don't take this personal, she is coming here to represent the tax payers of Franklin, the employees should have a fair pay but we still want to be able to live in Franklin; if you give a 6% and 8% raise what is the next employee going to want. You gave six employees in June and now you have two more coming forth, asking how far can we go and explained a no cost of living raise for this year and asked what warrants these raises, are employee working overtime to get their job done now.

Mayor Giordano commented they have gone to the personnel committee and the committee has recommended them, the Council are the people that act on the raises.

Ms. Fantasia commented to please clarify again, there is a 2% cap on raises, we want to be crystal clear what it is, is comparing of salary's and adjust it to that, it is not an 8% raise, it is not a 6% raise.

Mr. Prol commented the employees who are at issue here, were issued a rice notice and under New Jersey Law have asked for this to be discussed in closed session. We are going to handle it there. Mr. Prol commented what is on the agenda tonight is not a raise it is a salary adjustment and he believes that is something that is informed by a market analysis and an analysis of other like positions around the County. The employees on the agenda tonight, it is not a raise it is an adjustment.

Mrs. Tatka asked if they would find out what was discussed. Mr. Prol commented the Council members will articulate when they vote why that is, he encourages you to speak up and speak out but the employees have a right under New Jersey Law to have their personnel matters discussed confidentially but none the less when we come back out of closed session there will be more discussion on that.

Mayor Giordano commented just because something is on the agenda doesn't mean it is going to be affirm or denied, the Council can take three actions, affirm, deny or table the action.

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Mrs. Tatka commented on this setting an example to the rest of the employees and explained. Mayor Giordano explained a salary ordinance creating a range for a job. Mrs. Tatka commented sometimes in the Borough you bring new employees in at the top rate instead of starting them out [low] and gave examples. Mayor Giordano explained how some positions in the Borough require knowledge and schooling, you will not hire someone at \$10.00 to do those jobs and gave an example. There was a discussion back and forth.

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

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 March 1, 2017, from Charles A. Richman, Commissioner NJ Department of Community Affairs, to Mayor Giordano, Re: Area in Need of Redevelopment.
2. Letter dated March 1, 2017, from Charles A. Richman, Commissioner NJ Department of Community Affairs, to Mayor Giordano, Re: Area in Need of Rehabilitation.
3. Letter dated March 2, 2017, from James R. McDonald III, M.S. Acting Division Head/Chief REHS, Sussex County Department of Health and Human Services to Mayors, Township Clerks, Township Administrators, Re: Monthly Communication and Coordination Conference Call.
4. Letter dated March 6, 2017 from New Jersey Legislative Offices, Senator Steven V. Oroho and Assemblyman Parker Space to Robin Hough, Franklin Borough Clerk, Re: Informational Session.
5. Email dated March 8, 2017 from Aimee Maul, Sussex County Office of Public Health Nursing to Mayor and Board of Health Secretary, Re: Monthly activity report for February, 2017.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for February, 2017.
2. Construction Permit Activity report for February, 2017.
3. Construction report log for February, 2017.
4. COH report for February, 2017.
5. Police Department report for February, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for vending machine license renewal for RedBox Automated Retail, LLC. Located in Wal-Mart for 2017.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

Mr. Limon made a motion to approve the consent agenda of March 16, 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes for February 28, 2017. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Child Abuse Prevention Month Proclamation

Mr. Rathbun made a motion to adopt the Proclamation proclaiming April as Child Abuse Prevention Month. Seconded by Mr. Skellenger.

Mrs. McHose explained the resolution was sent to the Borough by Ginny's House in Newton, which is the County Child Advocate Center. Mrs. McHose appreciates the Council recognizing this.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 02-2017

Mr. Rathbun made a motion to introduce an ordinance 02-2017 entitled "CALENDAR YEAR 2017 ORDINANCE 02-2017 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)". Seconded by Mr. Limon.

Public hearing will be held March 28, 2017.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2017-29

Mr. Limon made a motion to adopt resolution 2017-29 using a three-year average collection rate for the 2017 budget; reserve for uncollected taxes. Seconded by Mr. Rathbun.

Monica Miebach, CFO explained the resolution. Mayor Giordano explained the reserve for uncollected taxes.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction to the CY 2017 Municipal Budget

Mr. Limon made a motion to adopt resolution 2017-30 introducing the CY 2017 Municipal Budget for the Borough of Franklin. Seconded by Mr. Dabinett.

Ms. Fantasia explained some of the major points with the budget: [starting with] Water and Sewer budget, collections are down for water and sewer, we used fund balance to even it out. Ms. Fantasia commented if you recall the end of 2016 we were swaying to hit that 97.4 average, hitting that 97.4 shouldn't be a victory celebration it just means that we have enough money aside to cover what was not paid in taxes. Water and Sewer was a concern but thanks to Monica and Alison we

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were able to collect and even in January after the year had closed we were still able to bring in that revenue.

Ms. Fantasia commented as far as the current fund, last year we went down 1% point in our budget, we did not raise to the 2% the Borough is allowed. A Municipality can raise it 2%, so instead of going up the 2% which is the norm some towns do; we choose to actually go down a percentage point.

Ms. Fantasia commented this year we are pleased to say with our bottom line we stayed flat. We had the reduction last year and this year we did not go up the 2% taxes are staying even. Ms. Fantasia commented she wants to be very clear about something, the taxes are staying even for the Municipal portion of taxes, what we do as a Governing Body can only dictate roughly 35% of the taxpayer's overall tax bill; 15% for the County and roughly 50% is determined by the schools. Ms. Fantasia commented what we do have control over a little over one third of your tax responsibility we have kept even. Ms. Fantasia commented this was not easy with Bail Reform and different State regulations. We are doing many things, getting grants and doing all this development but with that comes engineering fees on our end so as we grow, we still have to allot money for that. We put aside \$10,000 this year for grant writing and an additional \$7,000 for engineering as well as for projects, knowing that is a strong investment; in order for the Borough to gain money back we have to invest the money.

Ms. Fantasia commented we faced a year of challenges, a pending spending freeze last year that we discussed. What we did is kind of change the dialog collectively; it was under the guidance of the Mayor and the Council and everybody agreed that we were going to prioritize spending and explained. When Mayor Giordano took office, he was serious, he laid out plans to keep the budget under control and she feels like the Council and Department Heads and everybody really followed suit; she is proud of that and proud we were able to keep it flat. Ms. Fantasia continued to explain the budget, percent for reserve for uncollected funds, building the reserves back up, fund balance and tax appeals.

Mr. Dabinett commented aside from the hundreds of hours that Monica has put into this would you kindly tell the audience how much time and effort you, Mr. Snyder and Mr. Limon, put into this.

Ms. Fantasia commented she tends to be the spokesperson of the situation but the head of the Finance Committee Councilman Snyder has been absolutely fantastic in keeping us on a schedule. Mr. Limon was new to the finance committee, she was new last year to the finance committee and he [Mr. Snyder] sets the pace and keeps us in line. One week we met two or three times, we are constantly speaking with Monica, and these meetings span two to three hours. We actually bring the paper work home and we're charged with coming back the next time with finding cuts. At one time the committee requested a three-year history of all the line times because we really wanted to see what the Borough was spending or not spending and where we could see savings and explained.

Mayor Giordano commented this will be the second year that we have stayed flat or went down and explained. We hired new police officers to address overtime issues. Franklin is the place where businesses are going to come. The work we have done in this past year has laid the future ground work for many years to come. We should be very proud of the budget and thanked everyone for doing a great job.

Mr. Snyder commented he would like to thank Ms. Fantasia for being the spokesperson regarding this, he wouldn't have been able to express the budget so clearly like she does. Understanding the budget is one thing but trying to explain

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some of the details is another and the couple of years she has been able to do this it's fantastic. Mr. Snyder thanked the CFO and Mr. Limon for coming on board this year.

Mr. Limon commented years past there were issues he wouldn't open up his mind he would just say no, everybody here is working together, it opens up your eyes you don't have to say no all the time. Mr. Limon thanked Mayor Giordano for putting him on finance this year.

Mr. Dabinett commented the one person we didn't mention is Mrs. McHose, she does a stellar job for us.

Mayor Giordano commented for the record he believes this is the earliest we have introduced the budget in many years in Franklin.

There was a brief discussion on the public hearing date.

Mayor Giordano commented what the Clerk was just [saying] if the Council should affirm this [the public hearing] would move from the 11th of April because we had snow it would move to the 25th of April; because the State requires 28 days between the budget introduction and its adoption.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing: April 25, 2017.

Resolution 2017-31

Mr. Limon made a motion to adopt resolution 2017-31 to accept project as complete for proposed improvements to High Street as recommended by Thomas Knutelsky, Borough Engineer letter dated February 28, 2017. Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Items 7 and 8 resolution 2017-27 and 2017-28 was moved to after executive session.

Discussion on Carnival Contract/Agreement

Mr. Skellenger made a motion to approve Carnival Contract/agreement between the Borough of Franklin and Blue Star Amusements T/A Campy's Amusements for September 28 – October 1, 2017, July 3-7, 2018 and July 2-6, 2019.
(Contract/Agreement from Blue Star Amusement provided in the Council packets)

Mayor Giordano explained the date for the Carnival in September is a result of the bid process.

Mrs. McHose added this is recreation's largest fund raiser; this is a tremendous revenue raiser for funds that recreation uses to make improvements to the pond area, provide programing this is a very important event. August was overlooked because we were concerned about the Farm and Horse Show which runs ten days. September will be different but at the same time we have an opportunity to try it and the two years after that the vendor is able to provide July dates. This document is a draft there is an addendum that was attached to it, that was drafted by our attorney;

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actually, clarifies some of the points in the contract. There was some confusion over exclusive item and explained many Carnival Companies have this and situations in the past.

There was a lengthy discussion on the Carnival company, exclusivity with items, conflict with the local Scouts and opening the concession stand at the pond.

Jennifer Giordano, Chairwomen of Recreation stepped forward for the discussion.

Mr. Rathbun asked if the fireworks would be on July 4th or go with the Carnival. Mrs. Giordano commented it would go with the Carnival itself.

Mr. Rathbun asked about presale ride tickets. Mayor Giordano explained Campy's has a website they can handle that up front.

Mrs. Giordano commented there were a lot of problems we had last year; by taking on this carnival company most of those problems have been eliminated, the ride bracelet will be available, through their website. Mrs. Giordano commented we can sell them if we want to but most of the sales will be done through their website. The hours for the carnival are 6:00pm to 10:00pm, and that is when the ride bracelet is good for. There will be no confusion with times like there was with the last company.

There was a discussion on a trailer for a game of chance. Mrs. Giordano commented that is supposed to be removed from the contract because we are not paying for anything that is a game of chance we can't legally and explained.

There was a brief discussion on complaints. Mrs. Giordano explained some changes planned and services this company provides. Mrs. Giordano also explained exclusivity, limiting vendors and getting volunteers. A discussion continued on exclusivity and limiting vendors.

Mr. Rathbun thanked Mrs. Giordano for making sure the Carnival comes back again. Mr. Skellenger commented he wants to echo what Mr. Rathbun said, he was with you and Keri for a large portion of the carnival he knows how crazy it was, he doesn't know how you do it every year.

Mrs. McHose commented the hope is we can vote on this, we are waiting for the Carnival company to provide us with the updated contract with correct dates. Angelo Bolcato, Esq. from Laddey, Clark and Ryan, helped us with the addendum and he suggested to the Carnival company that we have the same dates on all three years. Mrs. McHose asked Mr. Prol, if they can vote on this tonight.

Mr. Prol commented you can vote on it there will be some minor revisions, you should authorize Mrs. McHose to approve those.

Mayor Giordano commented for the record, if the new dates work the option to stay at those dates is there for recreation to stay at the September date if they choose to.

Mr. Prol commented he wouldn't feel comfortable having material changes to the contract; but having minor changes and conditions that could be changed that would come out of negotiations. You can authorize her [Mrs. McHose] for [minor changes] but nothing material, by that he means location date.

Mr. Dabinett commented he was under the impression after this year the Carnival would go back to July.

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Mayor Giordano commented Recreation could and the Carnival would allow them to change it if they are successful in September, they could keep the September date. However, at this time it is July [the following two years].

Mr. Prol commented to be clear you will be voting on the three sets of dates you see in the motion itself, if there is going to be a change of date you will be coming back to the Council and there will be another motion approved in that regard. You are voting on the specific dates that are in the motion.

Mr. Limon commented he voiced his opinion at the recreation meeting, he is not really sold on the September date, but he is not going to not support the overall vote. He will support it he hopes it works.

Mayor Giordano commented we have a motion do we have a second.

Seconded by Mr. Rathbun

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 03-2017

Mr. Skellenger made a motion to introduce ordinance 03-2017 entitled "AN ORDINANCE AMENDING CHAPTER 119 "GENERAL FEES," CODE OF THE BOROUGH OF FRANKLIN 119-4. (Note: Land Use fees) Seconded by Mr. Rathbun.

Mayor Giordano explained the ordinance. Mr. Prol explained the changes.

Mr. Limon commented this ordinance and item 11 are the exact same. Mr. Prol commented to clarify, all fees fall under chapter 119 of the Borough Ordinances so any amendment to fees regardless of whether they are for Land Use or Recreation Fields they are going to go under the same section of the ordinance. That is why there is a notation so you understand what you have on the floor right now is an amendment to the fees pertaining to Land Use.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing will be held March 28, 2017.

Introduction Ordinance 04-2017

Mr. Skellenger made a motion to introduce ordinance 04-2017 entitled "AN ORDINANCE AMENDING CHAPTER 119 "GENERAL FEES", CODE OF THE BOROUGH OF FRANKLIN 119-4." (Note: Recreation Field Use Fees) Seconded by Mr. Rathbun.

Mayor Giordano explained the ordinance and fee changes. Mr. Limon questioned the increase to the fees. There was a discussion on the cost for up keep to the fields.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing will be held March 28, 2017.

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Introduction Ordinance 05-2017

Mr. Snyder made a motion to introduce ordinance 05-2017 entitled "AN ORDINANCE AMENDING THE "FEE" ORDINANCE AS IT RELATES TO CHAPTER 176 "MOBILE HOMES" AND AMENDING CHAPTER 176 THE "MOBILE HOME" ORDINANCE." (Note: Municipal Services and License Fees)

Mr. Dabinett commented some months ago Robin, our Clerk came to him as the Chairman of the Ordinance Committee and asked two things, one the trailer park was getting two licenses and the other was our ordinance called for a six-hundred-dollar annual fee but that six-hundred-dollar fee wasn't in our fee schedule. Mr. Dabinett commented he started to look into it, our ordinance states you will have one license for 175 units and one mobile home park license for 175 units. He found out we have 191 units up there and in the mean time they have been getting two licenses a year and paying three hundred for each which makes no sense at all. Mr. Dabinett commented he contacted Mr. Frizzle the owner and he said well years ago somebody determined that the main drag up there all the units on one side would be one license and all the homes on the other would be another license. Again, it made no sense; he comes back with a recommendation we go to one license, he has 191 units up there make the license for 191 units but instead of six hundred dollars he recommends we raise the fee to seven hundred dollars.

Mr. Dabinett commented the second part was our fees, the way they are now in the code book it says sewer fee forty dollars, our home owners are paying for sewer fifty-five dollars and sixty-seven cents. Speaking with Monica and the ladies' downstairs the mobile home park is already paying that, so this is just a paper change we are just changing the numbers in the code book for the sewer usage. Mr. Dabinett commented there is a charge there for garbage; that's not being changed but there is a multiple service charge and the multiple service charge is to compensate the Borough In lieu of Taxes, they get police protection, fire protection all of the other protections every other tax payer gets in town. This hasn't been addressed in 11 years, the code book calls for \$28.00 a month, he spoke to Scott Holzhauser, Tax Assessor, he looked into, he came back with a recommendation that that fee should be raised from the \$28.00 to \$39.00. Monica also did a study and she came back with the same figure. That will be an increase for the monthly charge up there, which in turn is going to bring the Borough about an additional twenty-five thousand dollars a year in income coming in revenue.

There was a discussion on the ordinance and fees.

Mr. Prol commented we have motion on the floor; we haven't had a second.

Mr. Snyder commented there are going to be a lot of concerned citizens. Mr. Dabinett commented we have a lot of taxpayers in town that pay their fair share; everyone should pay their fair share.

Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing will be held March 28, 2017.

Ms. Fantasia made a motion to approve an expenditure of a not-to-exceed amount of \$6,000 to Guerin & Vreeland for consulting on water tank specs as more specifically described in their proposal and subject to the final approval of the Borough CFO. Seconded by Mr. Skellenger.

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Mayor Giordano explained the motion.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Ms. Fantasia made a motion to approve an expenditure of a not-to exceed amount of \$6,000 to MBA for a water tank assessment for purpose of creating specs for an RFP subject to the final approval of the Borough CFO. Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mrs. McHose commented those two expenditures will not be made until after the budget is adopted.

ADDENDUM

Mayor Giordano commented he will be stepping down for the addendum and he left the meeting room.

Council President Dabinett took over the addendum portion of the meeting.

Resolution 2017-32

Mr. Snyder made a motion to adopt resolution 2017-32 approving the proposed Developers Agreement between the Borough of Franklin and Advance Auto. Seconded by Mr. Dabinett.

Mr. Prol commented so the public is aware Mayor Giordano's mother is involved with this piece of property and sale. Under ethics law an immediate family member is someone whom you live [with], in abundance of caution he [Mayor Giordano] has taken pains over the course of the project to stay out of the discussion, to leave the room. To reflect Mayor Giordano did leave the room and Council President Dabinett [took over the meeting]

Council President Dabinett commented we have a motion and a second and asked for a roll call vote.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano was not present for the roll call vote

Abstentions: None

Executive Session

Council President Dabinett requested a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF MEETING IN CERTAIN CIRCUMSTANCES,

- **Personnel (listed on the regular agenda)**
- **Municipal Court Shared Service with Ogdensburg**
- **R & R Rifle Range Negotiation**

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Mr. Prol commented at the end of closed session action may be taken on the personnel matters. But we don't believe there will be any action on the shared service. The discussion will only pertain to matters very strictly controlled that would exclude it from the public in anything else we discuss in public session under the public right to know, the Sunshine Law.

Mr. Snyder made a motion to go into executive session. Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano was not present for the roll call vote

Abstentions: None

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

After meeting in closed session, the Governing Body returned to their seats at 10:29p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Skellenger made a motion to return from executive session at 10:29PM. Seconded by Rathbun.

Mr. Prol commented the items discussed in executive session are personnel matters, in particular items 7 and 8 on the agenda, the Rifle Range renegotiation of the agreement and the shared service with Ogdensburg regarding the Municipal Court services.

All were in favor. [to return from executive session.]

Mayor Giordano asked do you want to ask Mrs. McHose to set up a meeting with the Ogdensburg Mayor and Council as soon as possible.

Mr. Prol commented so the public is aware Mrs. McHose will be setting up an appointment with the Mayor of Ogdensburg to continue ongoing discussions regarding the shared service agreement on the Municipal Court service.

Resolution 2017-27

Mr. Limon made a motion to adopt resolution 2017-27 approving a salary adjustment for Lorraine Spirito, Certified Municipal Court Administrator in the annual amount of \$4,455.00, retroactive to January 1, 2017. Seconded by Ms. Fantasia.

Ms. Fantasia commented what she would like to reiterate from our meeting, when we determined these figures for salary adjustments we did do the comparable; at our last Council meeting she talked at length about this. We are in a situation where we have a Court Administrator who has been with us 23 years, training multiple people who across the County and comparable positions making considerably more than she currently does. In order to have it somewhat equal, to be fair market value the amount of \$4,455.00 was calculated. There will be no additional 2% salary this year, and again these comparable against other towns were based upon salaries that

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those individuals were making in 2016. So, we did not account for any raises that other towns may be giving those employees; so, an employee for instance who was getting a 2% raise in another municipality let's say it was \$70,000 a year that would be \$1,400 additional which would separate there comps even further. So, when we were discussing also the duties that are involved here with the court the potential for shared services with another court, the work load and what Lori has been able to do here that has separated us and distinguished us from other municipalities we really are a leader on how we run our court.

Mr. Limon commented he would like to add one thing, it seems like a lot of people that we had here left; she has trained and they went to other towns; he feels with her training the people and they get hired elsewhere and they are making more money, that is a hit to her. Mr. Limon commented he thinks she is worthy of this salary adjustment.

Mayor Giordano commented majority of the court clerks in the County have been trained by Lori, in his eyes we are also working on an agreement with Ogdensburg. It is worth noting as Bail Reform, has lost Lori some salary for this year so we are trying to compensate her for that.

Upon roll call vote:

Ayes: Snyder, Fantasia, Limon, Rathbun, Skellenger

Nays: None Absent: None Abstentions: Dabinett

Resolution 2017-28

Mr. Limon made a motion to adopt resolution 2017-28 approving a salary adjustment for Robin Hough, Registered Municipal Clerk/Certified Municipal Registrar in the annual amount of \$3,533.00, retroactive to January 1, 2017. Second by Ms. Fantasia. Seconded by Ms. Fantasia.

Ms. Fantasia commented again when you do comparables to other towns, we talked at length at the last meeting and the same players are here joining us tonight, we talked at length about OPRA and the unique things that face us here in Franklin compared to other towns, again this would be an adjustment with no additional 2% so for instance you have an amount of \$3,533, 2% from that amount is \$1,122.9 leaving us with a number of \$2,304, as the actual adjustment, that's taken into consideration the budgeted amount of 2% that are not otherwise DPW or the Police Department. That is how we arrived at that number. Again she wants to reiterate that she spoke at the last meeting she doesn't want to be a penny wise and a pound foolish, sometimes what you have it is worth bringing them to a fair market value to avoid the unbelievable cost associated with acquiring a new employee, the training and everything that is involved in lack of experience as well; second of all it is the time, the time is right for us, this is a big contract year that we are going into for us to look again as to how we are going to do our hiring practices, how we are going to issue contracts, raises, things of that nature. She feels as for Borough Hall a lot of that has been put on the back burner and again we can't have two classes of employees; where we have a class that is predominately male that have a clear protocol as to how to request a raise, as to how to be evaluated, as to how to be fairly compensated and then we have a building that is predominantly female that have none of those protections. We have to equal the playing field here.

Mr. Snyder commented sitting here on the Council for quite a few years with employees coming through this door and working with these employees; Lori and Robin have been very good in doing what they have to do, the responsibilities and comparisons with what their salaries are to other towns that is why he agreed to the increases with salary adjustments.

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Upon roll call vote:

Ayes: Snyder, Fantasia, Limon, Rathbun, Skellenger

Nays: None Absent: None Abstentions: Dabinett

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

MISCELLANEOUS COMMENTS

Mrs. McHose commented she forgot to make the announcement that recycling will be next Wednesday due to the storm and explained.

Mr. Prol announced this Saturday is SCMUA electronic recycling day.

Mr. Snyder commented condolences to the Babcock family with Jill Babcock passing, Fred has been an employee of this town for almost 40 years and it is unfortunate his wife passed away at such an early age

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 10:42p.m., seconded by Mr. Skellenger. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk