

**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
August 8, 2017**

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. Limon, Mr. Rathbun, Mr. Skellenger, Mr. Snyder and Mayor Giordano.

Absent: Mr. Dabinett, Ms. Fantasia

Mayor Giordano led the assembly in the flag salute.

Mayor Giordano stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 5, 2017, and posted on the Borough website, which adequate notice has been certified by the Clerk."

COMMITTEE REPORTS

Mr. Skellenger had nothing to report.

Mr. Rathbun reported at the last Council meeting after executive session the Council came back and took action on a promotion of Sgt. Cugliari to Lieutenant Cugliari. Mayor Giordano commented which was effective August 1. Mr. Rathbun commented correct.

Mr. Snyder commented he doesn't have a report, maybe the administrator has some information on Buildings and Grounds.

Mr. Limon commented we had a personnel meeting, he is going to let Mrs. McHose explain everything because he just walked in minutes ago. Mr. Limon commented he has a recreation report; the week of July 31 and this week Kathleen Clohessey had been running an arts and crafts program for our kids at the pond. She has been doing an excellent job with the new program, it was well attended. There will be movie nights at the pond to be held August 18 and 25, September 1 and 8 at/around 7:00PM. Movie night is free, this year popcorn and beverages are free and we will also have pizza available at a discounted price. We are selling the tickets for the Carnival at www.campys.com, wrist bands are on sale. See their website. Mr. Limon commented we will need volunteers for the carnival, anyone that wants to volunteer see the recreation Chairwoman Jennifer Giordano.

Mr. Limon commented we are also running a Franklin Fluorescent Fun Run, October 6th, this is a run about Franklin being the Fluorescent Capital of the World. This isn't just for serious runners anyone can join in.

Mrs. McHose commented we are continuing to seek out sponsors for the Carnival, we did get our big sponsor Braen Stone is sponsoring the fireworks this year. Mrs. McHose commented she is looking to get shirts this year for all the volunteers with a logo on the back "Staff". We are ordering signs this week, doing some advertising on the LED signs in diners all across Sussex County and some radio advertising.

Mrs. McHose commented with regards to the personnel committee, we have been meeting and trying to come up with solutions to replacing our tax collector who left. We have several ideas, we have been working with a temporary tax collector who Mrs. Tatka had asked, makes \$37,500, but she is only here eight to ten hours a week. Right now, her hours are a little more due to it being a tax quarter. She works full time in another town, we are not sure if this model is working where the person comes in early in the morning or late at night and Sunday, she is doing a great job and explained. We are not sure if that model is going to work so we are talking about possibly getting a finance clerk to actually take the payments at the window.

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Mayor Giordano commented we will be talking about that in executive session. Mrs. McHose commented she wanted the public to know because they had asked. The staff is working very hard, we are a skeleton crew but she has to say Monica and Pam Crum have been excellent in handling the window and thanked them for that, it hasn't been easy they are trying to do their own jobs.

Mrs. McHose commented the new Planning Board and Recreation Secretary is working out very well, it is great to have her in the building and she is able to handle a lot of the recreation things and explained.

Mrs. McHose commented on buildings and grounds, we are still working on the concession stand. We have been using it now with arts and crafts, new shelving would be helpful and the recreation commission authorized her to order new shelving and explained. Mrs. McHose thanked Hardyston Twp., they donated four full size soccer nets to the Borough and explained. Two of the nets would be for the old Bicsak property.

Mayor Giordano asked the Council if we could send Mr. VanDenBroek over there [to the old Bicsak property] and have him do an actual walk through of that property to see what it is going to take for us to mow this down and can it be used this year or next year.

Mrs. McHose commented Joe Drossel, Mr. VanDenBroek and herself have been talking, Mr. Drossel spoke to the Bicsak's they vacated it this year which is helpful because we can mow it and get the property in a more useful condition for a soccer practice field. There was a discussion back and forth on the field.

Mr. Prol had nothing to report.

Mayor Giordano commented we have bad news for the public our DPW Supervisor Brian VanDenBroek's father has passed away. Mayor Giordano commented he wanted to say publicly he is very sorry for his loss.

OPEN PUBLIC SESSION

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

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked what Bicsak property that we are talking about. Mayor Giordano explained where the property was located. Mrs. Tatka asked what the salary is going to be for Lieutenant Cugliari. Mayor Giordano explained he would move up to the Lieutenant two scale. Mrs. Tatka asked if anything had been done regarding getting a Freeholder meeting in Franklin. Mrs. McHose explained. Mrs. Tatka commented on the ditch/catch basin by her house and explained. Mrs. Tatka commented on the microphones and not being able to hear and spoke about not being able to hear at the recent hearing held at the Borough.

Emily Bazelewich, Mill Street, Franklin, stepped forward. Mrs. Bazelwich spoke about the mics and having a problem hearing what is being said at the meetings. Mrs. Bazelewich spoke about the intersection of Mill Street and Main Street and her concerns of a possible accident at that corner. Mrs. Bazelewich spoke about the children racing down Main Street and not wearing helmets. Mayor Giordano commented there is a State Law to wear helmets. There was a discussion back and forth regarding helmets and a discussion back and forth on the intersection of Mill and Main Streets.

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Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked if there was an update on the ordinance involving his house/property for reinforced grass in front of his house. Mayor Giordano commented the person you need to ask is not here tonight, he can remind him. There was a discussion back and forth on this.

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

CONSENT AGENDA

Mayor Giordano requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated July 22, 2017 from Patrick J. Sinwich, Communications Officer, NJDEP to Borough Clerk and Health Officer re: suspected hazardous substance discharge notification NJDEP case number: 17-07-21-1015-57.
2. Letter dated July 24, 2017 from Richard T. Hammer, Commissioner, NJDOT, to Mayor/Freeholder Director/County Executive, re: New Jersey Department of Transportation's FY 2018 State Aid Programs.
3. Resolution from the Borough of Stanhope in support of Assembly Bill NO. 4532/Senate Bill NO. 3049 amending the Open Public Records Law.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Officers report for July, 2017.
2. Finance report activity to August 2, 2017

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 8, 2017.

Mr. Limon made a motion to approve the consent agenda of August 8, 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

OLD BUSINESS

There was no old business.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the special meeting minutes and executive session meeting minutes for July 20, 2017. (Absent: Mr. Snyder) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: Snyder

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for July 25, 2017. (Mr. Rathbun, arrived at approximately 7:30PM) Seconded by Mr. Limon.

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Mayor Giordano commented there are some minor changes on the regular meeting minutes, on page one, in paragraph number two which starts out as Mayor Giordano, and it says Mayor Majewski, we would put Mayor for a day it should be Acting Mayor for the day and anywhere it says Mayor there should acting and the Oath of Allegiance should be Oath of Office.

Mr. Snyder commented he has a problem with regards to executive session, when of course there are matters he was not able to sit in on, he hasn't received any executive session minutes at all, he needs to receive those, to make sure his name deleted at the time of going out of executive session. Mr. Snyder requested the executive session minutes with the items redacted.

Mr. Rathbun and Mr. Limon accepted the changes to the minutes.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Rescind Resolution 2017-54

Mr. Rathbun made a motion to rescind resolution 2017-54 that authorized the Borough Clerk to renew liquor license 1906-44-006-005 MINDIP LLC. for the 2017-2018 licensing year. The said resolution was improvidently granted approval at the last governing body meeting prior to review and approval of the NJ Division of Alcohol Beverage Control, a necessary condition precedent. Seconded by Mr. Limon.

Mr. Prol explained the reason to rescind the resolution.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Resolution 2017-57

Mr. Skellenger made a motion to adopt resolution 2017-57 regarding temporary closure of Franklin Avenue/County Road 631 during the fireworks displays scheduled for September 28, 2017 and September 30, 2017. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Adoption of Ordinance 11-2017

Mr. Skellenger made a motion to adopt Ordinance 11-2017 "ORDINANCE RENAMING "INDEPENDENCE LANE" AS "DINA'S WAY" IN THE BOROUGH OF FRANKLIN IN HONOR OF THE LIFE AND LEGACY OF DINA ARRIGO WYCKOFF". Seconded by Mr. Snyder.

Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 11-2017.

Mr. Rathbun made a motion to open to the public ordinance 11-2017. Seconded by Mr. Skellenger. All were in favor.

No one from the public stepped forward.

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Mr. Rathbun made a motion to close to the public ordinance 11-2017. Seconded by Mr. Skellenger. All were in favor.

Mayor Giordano commented there were some people that had issues with this which he would like to address. As a Mayor and Council, we are always listening to the people of the community and Franklin Borough is made up of many communities not just one small community. There are only about five thousand people in the town and there are areas in the town with individual communities. The Arrigo family lost their daughter, for the time that Franklin Meadows has existed there has been no bigger supporter of the Franklin Meadows Organization than the Arrigo family. Donna Arrigo has given a lot of time to that area of the town and we should be proud that we have somebody that does that with the capacity of the Board of Directors that we have in Franklin Meadows. It is a testament that the facility and community basically has stayed as nice as it has for as long as it has. When we (the Council) were approached by the Board [of Franklin Meadows] to possibly rename Independence in honor of Dina, he doesn't think there was anybody who thought that it would cause any problems. To be honest with you it shouldn't cause any problems, because this is a reminder to a person who has errand that right every day to drive up a road and remember her daughter. Mayor Giordano commented he is happy to say that he hopes this Council unanimously approves this and he would be more than proud to say he helped do this.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Adoption of Ordinance 12-2017

Mr. Snyder made a motion to adopt Ordinance 12-2017 "AN ORDINANCE RENAMING "HOSPITAL ROAD" AS "SERGEANT DENNIS F. PREMCK ROAD" IN THE BOROUGH OF FRANKLIN IN HONOR OF THE LIFE AND LEGACY OF SGT DENNIS F. PREMCK." Seconded by Mr. Rathbun.

Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 12-2017.

Mr. Skellenger made a motion to open to the public ordinance 12-2017. Seconded by Mr. Rathbun. All were in favor.

Mayor Giordano commented this was done with the intentions of recognizing and somewhat continuing the tradition of this town of renaming or having roads named after veterans that paid the ultimate sacrifice. They should be honored and never forgotten. Sgt. Premock should be remembered for what he did. We have created a committee and we are working on setting standards with the Borough Historian and Freeholder Crabb to make sure when developments come into Franklin roads are named for people who are from Franklin.

Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked if that was a driveway that goes from Hospital Road up to the Hospital property.

Mrs. McHose commented yes.

Mr. Raperto questioned if that property becomes developed does that driveway become part of that road now. Mayor Giordano commented no, it would be a separate road. There was a brief discussion on the road.

Mr. Rathbun made a motion to close to the public ordinance 12-2017. Seconded by Mr. Skellenger. All were in favor.

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Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Resolution 2017-58

Mr. Limon made a motion to adopt resolution 2017-58 authorizing the award of a non-fair and open contract for professional services special labor counsel to Apruzzese, McDermott, Mastro & Murphy, with Arthur R. Thibault Jr. named as special labor counsel in the amount of \$205.00 per hour. Seconded by Mr. Rathbun.

Mrs. McHose commented to clarify for the public, many times towns have a Borough Attorney and then you have a separate labor counsel. What that does for the attorney is that it removes any potential conflict or any appearance of a conflict and it is commonly done. We have a year coming up with FOP, DPW contracts and her contract and potentially one more. We thought that a separate labor counsel might be the way to go, typically you do this in the beginning of the year but this just happened to fall in the middle of the year. Mrs. McHose had been talking with Mr. Prol back and forth about the date, whether to start the date now or to just do it on January 1, but we are leaving that opened for when we get his contract.

Mr. Snyder commented the past meeting he was unable to attend in regards to what is going on, in past he can't remember doing something of this nature, having an expense to the tax payers with regards to something as he can see from previous notes of that meeting of some of the Council why are we trying to go with something we never had to do before. Mr. Snyder commented he has questions with regards to that.

Mrs. McHose commented remember when there was a previous conflict with Mr. Ursin and we brought in Paul Green, Esq., every year when we appoint a Borough attorney the labor portion of his billing is separate from what he does in his monthly retainer for us. So, we always pay over and above for labor whether what we are going through now with police hearings or if it's regular contract negotiations. This isn't unusual it just so happens that it is a different law firm.

Mr. Snyder commented with Mr. Ursin it was strictly a matter with regards to himself as a conflict. Mr. Snyder commented [is there] a conflict between our present counsel.

Mrs. McHose commented no there was a discussion that was had in executive session about a desire to explore and maybe go in a different direction.

Mr. Snyder commented so this is two different subjects before it was in regards to a conflict with regards to Mr. Ursin. I'm asking you do we have conflict with what we are doing now that our counsel cannot take care of.

Mrs. McHose commented she doesn't know if you would call it a strict conflict, she thinks it was a business decision.

Mr. Snyder commented so it is another expenditure, we are paying \$205.00 per hour to someone when we have no conflict with our counsel to take care of these matters.

Mrs. McHose commented it is a different dollar amount so it is a little bit more per hour but we would still be paying Laddey, Clark for any labor matters maybe we are adding a dollar amount per hour but we are not adding a separate bill.

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Mayor Giordano commented in the past when we negotiated the FOP contract we had a specialist come in. The Council has as a group voiced their opinion that they would like to make a business decision in terms of doing this.

Mr. Limon commented the only issue he has is we haven't lost anything currently with the labor counsel we have now. He doesn't see anything to say otherwise, he understands if you say at the first of the year and that is your appointment and we vote on your [Mayor] recommendation.

Mayor Giordano commented he does believe it is not an unusual practice for towns to have Municipal Attorney and also have Labor Attorney's.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Mayor Giordano

Nays: Snyder, Limon Absent: Dabinett, Fantasia Abstentions: None

Resolution 2017-59

Mr. Limon made a motion to adopt resolution 2017-59 authorizing the purchase of a DPW dump truck per Ordinance 09-2017; 2017 Ford F550, 4x4, Stainless Steel Dump Body in the amount of \$72,470.00.

Mayor Giordano explained the resolution.

Seconded by Mr. Rathbun.

Monica Miebach, CFO updated the Council on the truck.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

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. Skellenger. All were in favor.

Joann Tatka, 151Maple Road, Franklin, stepped forward. Mrs. Tatka asked for clarification on what the temporary tax collector made. Mrs. Tatka asked if volunteers that work the carnival have to get clearance or is that just the people that work the games. Mayor Giordano commented that is for the people that work the games.

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.

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 matters. Motion seconded by Mr. Rathbun. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:56p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

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

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Mayor Giordano commented items discussed in executive session were personnel and Habitat for Humanity.

Mr. Rathbun made a motion to grant a salary adjustment for Pamela Crum, \$2.50 per hour affective July 1, 2017 as a finance clerk to the CFO. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Mr. Rathbun made a motion to direct the Administrator Alison McHose to place an ad for a full-time finance clerk with principle responsibilities in tax and water/sewer collection. Seconded by Mr. Limon.

Mayor Giordano commented salary would commensurate with experience.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

Mr. Rathbun made a motion to direct the Administrator Alison McHose to explore shared services for alternative means to hire a part time tax collector. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Limon

Nays: None Absent: Dabinett, Fantasia Abstentions: None

OPEN PUBLIC SESSION

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

No one from the public stepped forward.

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

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 8:59p.m., seconded by Mr. Rathbun. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk