

**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 22, 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. Dabinett, Ms. Fantasia, Mr. Limon, Mr. Rathbun, Mr. Skellenger and Mayor Giordano.

Absent: 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 on recreation; there is movie night at the pond 8:00pm this Friday, Carnival tickets are on sale and they have to be purchased on line and before the Carnival starts. Mr. Limon reported the administrator is working on the interviews for the Finance Clerk.

Mayor Giordano commented the closing for the DPW position will be this Friday.

Ms. Fantasia commented last time we took department head recommendations, are we asking for that again, for Brian VanDenBroek to provide us with some type of written recommendation.

Mrs. McHose commented what we have done in the past is she and Mr. VanDenBroek would conduct the interviews and then we usually make a recommendation to the personnel committee and that gets passed on to the full Council. Ms. Fantasia commented she just wants to make sure the department head wishes were being passed along to us.

Mr. Dabinett commented on an email from Mr. Prol concerning the State of New Jersey Hiring Practices. Does that pertain to us and does that pertain to this particular hire?

Mr. Prol commented what he alerted the Council to and the public should be aware that there is proposed regulation in New Jersey that is based on a statute act of seven years ago. It deals with the hiring of public employees in the State of New Jersey. What the proposed regulation seeks to do is give the public a right of comment on those. So, what it would do is now put all employee hires by Municipal/public entities in New Jersey essential through the ordinance process. It is where you go to a first reading then have a public review they could comment. That is not the law right now and it will not be for several months.

Mr. Dabinett reported on Public Works Committee; we had a meeting last Thursday night, our engineer is preparing bid specs for painting the water tank so we can get some idea of what the cost is associated with that. We are also looking for quotes for the I and I repairs of infrastructure for the leaks we have in our sewer mains. We are going to pick one small area award that, let them come in and do the job and if it meets everybody's expectations we will move further with it. There was a brief discussion on I and I. Mr. Deacon is moving ahead with the sewer pumping station over at Sterling Plaza. Mr. Dabinett commented on the email from Mr. VanDenBroek regarding the water meters. Our water meters are old, we are paying individual thousands of dollars to read the meter. Technology has changed, they have the technology now where you can send a car and driver down the street and as they go down the street he is able to read the meters and could probably do the town in seven or eight hours. Mr. VanDenBroek has set up a meeting with one

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company for the public works meeting September 7th, they are going to come in and make a presentation.

Mayor Giordano asked about the paving of Buckwheat Road. Mrs. McHose explained we are looking at some time in October.

Mr. Rathbun had nothing to report. Mayor Giordano commented on the new police vehicle and explained.

Mr. Skellenger had nothing to report.

Ms. Fantasia reported on EDC, our next meeting is September 14th, but she does have an update. Mrs. McHose did speak to the owner of where the Bagel Tree is and where Extreme Dance is and their request for signage. He did appear to be interested to address the possibility of a sign in the front. Also, we have a Council meeting on September 12, our next EDC meeting is September 14th, she is asking for the Ordinance committee to meet prior to that so she can go back to that meeting with an update regarding their request in the letter from Stephan Zydon regarding the ordinance on weight restriction on vehicles and the ordinance on auto dealerships being established for primary use instead of secondary use.

Ms. Fantasia reported the finance committee met this evening prior to this meeting we did discuss the antenna situation regarding cell phone providers, we have asked Tom Knutelsky on his expert advice as to how we are going to move forward with that.

Ms. Fantasia reported on the Planning Board meeting. She and the Mayor had to step down for a request of the use variance.

Mrs. McHose commented she was also at the Planning Board, she didn't stay until the end but what she heard from Joyce Carr and David Brady, Esq. this morning was the application is continued and the hearing will continue at the second meeting in September. The Planning Board will be holding at the first meeting in September a public hearing on the Hospital Site Redevelopment Plan and explained. Mrs. McHose commented they did deem the Western Manor Plan Complete they just didn't conclude the hearing by time the meeting ended.

Mrs. McHose commented she is working on the hiring of the finance clerk and the DPW position, she is also working with Mr. VanDenBroek to remediate a bat problem we have in the attic and explained.

Mr. Prol had nothing to report.

Mayor Giordano commented we do have executive session for JCM Investors.

Mr. Prol spoke about the ordinance on the agenda for deputy clerk.

Mayor Giordano commented the fence and DPW garage is complete and looks very nice. Mayor Giordano explained their decision to have a Planning Board Public Hearing on the redevelopment plan for the hospital property. Notices will be sent out to property owners within 200 feet of the property. We want to do the meeting honest and fair, this is another good project for the town. We wanted to make sure it was done right and everyone would have a chance to give their opinions.

Mayor Giordano commented we will have an executive session for JCM Investors which is the property on 517. Tomorrow we will be doing a radio commercial for the Carnival.

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Mr. Skellenger thanked the Fire Department for their Lobster Diner they did a fantastic job.

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.

Dick Durina, 23 Lozar Road, Franklin, stepped forward. Mr. Durina commented he knows you are going into executive session to discuss an issue that may be town business and asked JCM Investors were they the apartments. Mayor Giordano commented yes, it's for potential litigation.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented on the walk for Change the Face of Addiction. There was a great turnout, Hardyston Police Chief was there, there was a Sergeant from Hardyston, Sparta Council members were there, Mr. Prol was there representing Laddey, Clark & Ryan, she did not see one representative of the Borough and was very disappointed and explained. Mr. Skellenger commented he wanted to be there but he had to work.

Mrs. Heath asked about number seven on the agenda would that be for negotiations. Mayor Giordano explained item number seven hiring a special labor counsel. There was a discussion back and forth on hiring a special labor counsel.

Mrs. Heath commented one good thing she sees you are going to reinstate the position of deputy clerk. Mrs. Heath commented she believes that position should have never been abolished. Mayor Giordano commented sometimes when you make a mistake a few years down the road you have the opportunity to address that, we are trying to address that mistake and we think it is going to work out for the better. Mrs. Heath invited the Council to the Senior Picnic on September 6th. There was a discussion on the picnic. Mrs. Heath commented she is impressed with Mr. Dabinett on how he keeps on top with all the public works things.

Emily Bazelewich, Mill Street, Franklin, stepped forward. Mrs. Bazelewich asked when they are going to paint the stripes at the end of our street [Mill Street]. Mr. Prol commented we are going to be putting together an ordinance for the painting. Mayor Giordano commented this [the ordinance] will address the parking as well. There was a discussion on having an ordinance. Mrs. Bazelewich commented on the children not wearing helmets while riding their bikes and questioned if the police were giving out tickets for this and the children should be wearing helmets.

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

CONSENT AGENDA

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

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 8, 2017, from Monica B. Miebach, CFO/QPA, to Alison McHose, Borough Administrator, Mayor and Council of Franklin. [Re: Bond Anticipation Notes]
2. Resolution 160-2017 from the Town of Newton, Supporting a Sussex County Consolidated School System.
3. Letter dated August 10, 2017, from Catherine M. Williams, Clerk of the Sussex County Board of Chosen Freeholders, Re: Authorizing the placement of a public question on the official ballot for the General Election on November 7, 2017

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concerning a proposition allowing the County of Sussex to modify the approved uses of the Sussex County Farmland Preservation, Recreation and Open Space Trust to allow for stewardship projects and for the development and maintenance of permanently preserved open space, pursuant to N.J.S.A. 40A12-15.1, et seq.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for July, 2017.
2. Construction Permit Activity Report for July, 2017.
3. COH report for July, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 22, 2017.

Mr. Limon made a motion to approve the consent agenda of August 22, 2017.

Ms. Fantasia commented she would like to comment on item number 2 regarding A Sussex County Consolidated School System. Ms. Fantasia commented she wants to propose a discussion on the topic to our next meeting. Mayor Giordano commented yes. Ms. Fantasia commented on possible problems with this and explained.

Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Snyder Abstentions: None

OLD BUSINESS

Mr. Dabinett asked Mrs. McHose to explain the Eagle Scout that came to the public utilities meeting. Mrs. McHose commented Luke Durenzo attended the public works meeting the other night as part of a merit badge, he is going into 8th grade at Franklin School. Mr. Dabinett commented he was a very accomplished young man and was happy to have him there as his mother came with him.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for August 8, 2017. (Absent: Mr. Dabinett, Ms. Fantasia)
Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Skellenger, Limon, Rathbun

Nays: None Absent: Snyder Abstentions: Dabinett, Fantasia

Resolution 2017-60

Mr. Rathbun made a motion to approve resolution 2017-60 requesting approval of items of revenue and appropriation NJS 40A:4-87; drive sober or get pulled over Labor Day Crackdown Grant in the amount of \$5,500.00. Seconded by Mr. Skellenger.

Mayor Giordano explained the resolution.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Snyder Abstentions: None

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Introduction to Ordinance 13-2017

Mr. Rathbun made a motion to introduce an ordinance 13-2017 entitled "AN ORDINANCE RESTORING SECTIONS 5-18 AND 5-19 OF THE CODE OF THE BOROUGH OF FRANKLIN AND REINSTATING THE POSITION OF DEPUTY CLERK." Seconded by Mr. Skellenger.

Mr. Prol explained the ordinance.

Ms. Fantasia commented the personnel committee was approached about this for a while now it has been under discussions and a very convincing case was proven to have somebody that is able to complete the duties the deputy clerk can especially in the absence of Robin, it is a complete necessity as part of the administrative team here at Borough Hall.

Mrs. McHose commented she works closely with the Clerk, and now she has seen in two and a half years the volume of work that goes on and there are several things only the clerk or now a deputy would be able to work on, she thinks this is absolutely necessary.

Ms. Fantasia commented to clarify, this is not a brand-new hire that we are advertising out for, this is a current employee that would be named deputy clerk.

Public Hearing will be held September 12, 2017.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun
Nays: None Absent: Snyder Abstentions: None

Mayor Giordano asked Mr. Prol if we can do four and five together [the next two items]. Mr. Prol commented if it [involves] money he would prefer separately.

Franklin Fire Department – request to waive fee

Mr. Rathbun made a motion to approve the request dated August 16, 2017, from James Nidelko, Treasurer, Franklin Fire Department requesting the Mayor and Council to waive the Borough fee for their gaming trailer at the 2017 Carnival. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Rathbun
Nays: None Absent: Snyder Abstentions: Limon

Franklin Historical Society – request to waive fee

Mr. Rathbun made a motion to approve the request dated August 17, 2017, from Judith Williams, President, Franklin Historical Society requesting the Mayor and Council to waive the Borough fee for their gaming trailer at the 2017 Carnival. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun
Nays: None Absent: Snyder Abstentions: None

Agreement to provide Special Labor Counsel

Mr. Rathbun made a motion to approve the contract between the Borough of Franklin and Apruzzese, McDermott, Mastro & Murphy, PC., the principle attorney Arthur R. Thibault Jr. Esq. in the amount of \$205.00 per hour for a term of one year. Seconded by Mr. Skellenger.

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Mr. Limon commented we read this off last [meeting] so how does this differ from what we voted on. Mayor Giordano commented this is the contract, we approved the hiring now this is the actual contract. The contract has to be approved by the Borough Council. Mr. Limon asked is it one year from this meeting or one year at the end of the year.

Mrs. McHose commented typically when an appointment for a professional is done there are two different ways fair and open and non-fair open. Typically, it is for one year this is a little unusual that we are doing it in the middle of the year, [these] hires are usually done in January, and explained. Mr. Prol commented on Local Public Contract Law and explained. There was a discussion on the contract.

Mr. Limon asked at the last meeting he didn't vote for it but it was approved and asked about voting yes or no.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Rathbun

Nays: Limon Absent: Snyder Abstentions: None

Mr. Skellenger asked [items] four and five regarding waiving the fees for the Fire Department and the Historical Society and questioned this procedure. Mr. Prol commented you would have to revise the ordinance right now you have a standard procedure.

Mrs. McHose commented we have a third group Franklin PTO, should we offer that [to them]. There was a discussion on waving fees. Jennifer Giordano, Recreation Chairwoman explained recreation fees during the discussion.

ADDENDUM

Mayoral appointments for substitute crossing guards

Mayor Giordano explained he would like to appoint the following people as substitute crossing guards.

- Amanda Babcock
- Lyrae Bifano
- Kathleen Clohessey
- Bonnie McCouch

Mr. Limon made the motion to confirm Mayor Giordano appointments. Seconded by Mr. Rathbun.

Mr. Dabinett asked about training needed for these crossing guards. Mayor Giordano explained. There was a brief discussion on the crossing guards.

Upon roll call vote:

Ayes: Skellenger, Dabinett, Fantasia, Limon, Rathbun

Nays: None Absent: Snyder 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 Ms. Fantasia. All were in favor.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath asked what are these crossing guards going to be paid. Mrs. McHose commented \$13.94 per hour. Mrs. Heath commented on the special counsel, do you have a cap on how many hours you are going to give this person. Mayor Giordano commented no, we will be carefully monitoring that.

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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. Skellenger. All were in favor.

EXECUTIVE SESSION

Mr. Prol commented we anticipate being in executive session for about 30 minutes and we do not anticipate any action when we come out [of 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 **JCM Investors** Motion seconded by Ms. Fantasia. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:46p.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 Ms. Fantasia. All were in favor.

Mayor Giordano commented for the record we did add on item to executive session that item was a discussion of open space and JCM Investors which was on the agenda.

MISCELLANEOUS COMMENTS

Mr. Limon commented he will not be here for 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 at 8:48p.m., seconded by Ms. Fantasia. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk