

**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
September 12, 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. Rathbun, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Limon

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

Ms. Fantasia reported on EDC; we have a meeting this Thursday, September 14th at 7:00 pm at Borough Hall. There is nothing to report by way of the Finance committee. Ms. Fantasia commented she does have a personnel committee update; we are down to the final three candidates for the finance clerk position and we are ready to start the next round of interviews. We are also pursuing shared services with some of our neighboring towns for the tax collector position; we will keep you posted, we do have our temporary tax collector. The personnel committee is reviewing current contracts that are up for renewal next year with the new labor counsel.

Mr. Skellenger updated on Buildings and Grounds; the lights were changed down at the football field so for football season there should be plenty of light down there.

Mr. Rathbun reported on public safety; he did speak with Chief McInerney after the last Council meeting about the public's concern regarding the kids riding without helmets. The Officers have been talking to kids and he believes we also received some hate mail on it. But all in all, they understand we are out there for their safety.

Mr. Snyder had nothing to report.

Mr. Dabinett reported on public utilities; we had a committee meeting last Thursday night, the Board approved a new replacement pump for the Rte. 23 sewer pump station and will go to Council for a formal approval. The purchase price on this is \$17,213.00. Construction on the Sterling Plaza sewer pump station as begun; work is being completed and the engineers are working with Mr. Deacon. Requests for quotes have been distributed to specialty contractors to make repairs to our sewer system to control the I & I and explained. We are making improvements to our Borough wells we have installed devices and explained. We are also pursuing the purchasing of new equipment to better operate the controls on the well at the pump stations. This past Friday Wildcat Road was scheduled to be paved and for some reason he hasn't been told why it was canceled.

Mr. Dabinett commented with getting back to water meters, we had a lengthy meeting last Thursday night we brought a gentleman in from H & D Water Supply to have a discussion on our water meter that we have in town. We have approximately 1500 water meters in use, which are approximately 15 -20 years old. Most water meters have a life of maybe 10 to 12 years and explained what they are made of. Mr. Dabinett explained the amount of water you can loss with the old meters and explained the new meters, with a life time guarantee, what they are made of and the saving of the new meters and how the new meters and new technology would save money. Mr. Dabinett also explained the cost of the new meters.

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There was a brief discussion on the Borough getting new meters, doing the meters in phases, beneficial to do phase one as the commercial buildings so the person reading the meters would just have to drive along the back of the building to get all the readings and does not have to interrupt the businesses.

Mr. Prol requested to add to the executive session agenda 450 Rutherford Ave, for the publics benefit this is regarding a property that is undergoing a foreclosure and there were some issues raised by the building inspector in the property.

Mrs. McHose had nothing to report.

Mayor Giordano commented there was some complaints regarding the kids wearing their helmet, he received hate mail but we [the Borough] needed to do that.

Mayor Giordano commented when we paved Main Street we did not put a handicap [space] in front of the library. He has been asked to have that done. Mayor Giordano commented he was also asked if the Borough could put a cross walk from the laundry mat to the library.

Mayor Giordano commented there is a movie in the park this Friday, he has an application for the Councils permission for Recreation to use the Senior Center as an alternate location in case of cold weather, rain etc. Mayor Giordano asked if anyone had any problems with that.

Mr. Skellenger asked if we need a motion for that. Mayor Giordano commented yes.

Mr. Skellenger made a motion to approve the use of the Senior Center by Recreation. Seconded by Mr. Rathbun. All were in favor.

Mr. Dabinett commented hats off for the recreation department for running that arts and crafts, he understands they had a lot of good feedback and a lot of young people took advantage of it.

Mayor Giordano commented he would like to see this again next year.

There was a discussion back and forth regarding the program.

Mayor Giordano commented his neighbor Kelly Definus graduated from Franklin Elementary School last year and she was valedictorian. As a rule, we should always recognize people who achieved academically. Hopefully he will be able to convince the Council to put a resolution on saying good 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. Dabinett. All were in favor.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath gave everyone a history lesson; in 1979 under Mayor Bill Hodas the Franklin Nutrition site was started at the neighborhood house with Cindy Space as the site manager. In 1991 when Dick Durina was Mayor the Franklin Senior Center was built. Over the years the site has evolved into not just a program but a meeting place for the seniors and explained what was there for the seniors. Newton Hospital has been preparing the meals for the last five years; on Friday September 8th, we had a picnic catered by Ronnie Catering and Barbeque and explained the meal. Over 100 seniors attended and we had entertainment. Mrs. Heath thanked DPW for all their work with setting the tables up for the picnic. Mrs. Heath also thanked the Mayor and Council

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for their continued local agreement with the County for the nutrition site. Mrs. Heath commented we should give special recognition to Cindy Space for 38 years taking care of our seniors.

Jenifer Giordano 42 Mabie Street, Franklin, stepped forward. Mrs. Giordano reminded everyone the Carnival is in two weeks and you can go to www.campys.com to get tickets. There was a brief discussion on the carnival.

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented you have a tax collector from another town so she is going to be coming here 20 hours a week. Mayor Giordano explained the current situation with the tax collector, having a shared service and interviews. Mrs. Tatka asked you are hiring a finance clerk, who is that replacing or is this a new position. Mayor Giordano explained. Mrs. Tatka asked is the full-time finance clerk with a shared service for tax collector. There was a discussion back and forth regarding the finance clerk and tax collector positions. Mrs. Tatka asked how many COAH units there are in Franklin and having a freeholder meeting in Franklin.

Mr. Skellenger commented he spoke to one of the Freeholders last week; they assured him next year we would have a meeting. They are doing the last meeting on the road this week or next week so next year we will get one.

Mrs. Tatka asked about the land use application was for condos or apartments and asked if the Council would be happy with apartments. Mayor Giordano explained his opinion on the matter. There was a brief discussion back and forth on quality apartments. Mrs. Tatka spoke about school consolidation and police consolidation.

Mrs. Tatka asked what happened to the electric coop ordinance that had passed. Mayor Giordano explained. Mrs. Tatka commented on the police at the carnival.

Ian Sherwood, 189 -193 Cork Hill Road, Franklin, stepped forward. Mr. Sherwood is the owner of the horse farm and owner of ITS properties and an objector to the JCM Application for the apartment project. Mr. Sherwood commented you have identified on the agenda tonight to talk in executive session, he realizes you can't discuss this with us what you talk about in executive session however, to the extent there is information that could become available and clarify a few things. He missed the last meeting and there was some conversation on this as well. There was a discussion back and forth regarding a 45-day time line.

Mr. Prol commented if they deny the action on the 18th then that would be the start time for the 45 days. Mr. Prol commented the Planning Board heard an application it is his understanding they voted to deny and at the following meeting they adopt a memorialization resolution which would lay out the bases of the denial it is a written decision. Mr. Prol commented once that adoption takes place that is the triggering event for the 45-day action time clock. The developer then would have 45 days in which to follow suite if they want to challenge that action.

Mr. Sherwood commented we are not even sure if they plan to do that or not.

Mr. Prol commented they have not said that but they indicated they may and explained.

Mr. Sherwood commented how to get a copy of the resolution. Mr. Prol explained. Mr. Sherwood commented he will probably still have his lawyer contact you to make sure everything is understood and across the board.

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Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented why is this now being discussed at the town Council meeting. Why is this application being discussed in litigation here when it is a Planning Board issue, until the Planning Board does its resolution then it is denied? Mr. Durina commented he doesn't know why. That gentleman asked a lot of good questions but he doesn't think he got an answer. Why is it here tonight?

Mr. Prol commented what he can tell you, it was pointed out the inconsistencies with our ordinance and our Master Plan, there has been a long history [with this property] including several settlement agreements that the Borough entered into with prior developers that owned this property and certain actions were taken. We are addressing issues that they were prior settlements at this property regarding development. As an attorney, he tries to see things before they happen and try to head off problems, so that is why we are engaged in discussions at this point, he doesn't wait for fights to come to him he goes out to try to address them.

Mr. Durina commented the developer could come back with a plan that could be approved and the application could move forward without spending money now on the legal aspects in front of the Mayor and Council. Just a simple question, so your answer is you are doing preliminary work now to be prepared for something that may or may not happen.

Mr. Prol commented on the developer [and his] concerns with the inconsistencies with the ordinance and Master Plan and explained.

Mr. Durina asked if JCM Investors participating with any discussions with the Mayor and Council.

Mr. Prol commented he is not sure yet.

John Christiano, 38 Jenkins Road, Franklin, stepped forward. Mr. Christiano commented the Council is obviously going to be involved with this process of approving or disapproving the project on Munsonhurst Road. Mr. Christiano asked has anyone here read the minutes of the Planning Board meeting that took place concerning this application.

Mayor Giordano commented he has.

Mr. Chirstiano commented you understand the rationale behind the Planning Board decision. He just wanted to make sure.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented about 15 years ago we did an in depth shared service study, there should be a copy here in the Borough so all these things we are addressing now with the police, DPW, it probably would be good to look back and see why at that time it was not recommended.

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.

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):

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1. Letter dated August 17, 2017 from Hawkins Delafield & Wood LLP, Bond Counsel to Mayor and Council, Re: Bond Anticipation Note.
2. Letter dated August 11, 2017 from Michael Russo, Director Local Aid & Economic Development, NJDOT to Mayor Giordano Re: Transportation Alternatives Program.
3. Email dated September 5, 2017 from Aimee Maul, County of Sussex, Office of Public Health Nursing to Mayor and Board of Health Secretary Re: Activity report for August 2017.
4. Hopatcong Borough Resolution 2017-174 Supporting a Sussex County Consolidated School System.
5. Township of Liberty Resolution 2017.062 Support of Assembly Bill No. 4532/Senate Bill No. 3049 amending the Open Public Records Law.
6. Township of Green Resolution 2017-122 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 Officer Report for August, 2017.
2. Construction Permit Activity Report for August, 2017.
3. Construction report for August, 2017.
4. COH report for August, 2017.
5. Municipal Court report for July, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Email dated September 8, 2017, from Jennifer Giordano, Franklin Recreation, Chairwomen, to Mayor and Council requesting the use of the Senior Center during the Carnival from September 28 – October 1, 2017, also requesting fee to be waived.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 12, 2017.

Ms. Fantasia commented there was a letter on the consent agenda regarding our TAP grant, it is with great dismay she announces the Borough was not approved for our transportation alternatives program grant that we did submit and explained.

Mr. Durina commented from his seat, he would like to know what is going on with senate bill 3049 Open Public Meeting Law. Mayor Giordano asked are you talking about items number 5 and 6. Mr. Prol explained the resolution regarding this senate bill. Mayor Giordano also explained the resolutions. There was a discussion on OPRA and OPMA. Mrs. McHose read a summary of the bill. Mrs. McHose explained why the resolutions are on the consent agenda.

Ms. Fantasia commented when we accept the consent agenda it just means we have accepted it and we have read it, it in no way means we took action.

Mr. Skellenger made a motion to approve the consent agenda of September 12, 2017. Seconded by Mr. Fantasia.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: None

OLD BUSINESS

Ms. Fantasia commented she wanted to bring up a discussion with Mrs. McHose regarding the Bagel Tree Property.

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Mrs. McHose commented she has to get the owner to take the step to go to the Planning Board and explained her conversation with Mr. Mainardi.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for August 22, 2017. (Absent: Mr. Snyder) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: Snyder

Adoption of Ordinance 13-2017

Mr. Rathbun made a motion to adopt Ordinance 13-2017 "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.

Prior to final roll call, Mayor Giordano opened. the meeting to the public for any comments regarding Ordinance 13-2017.

Mayor Giordano asked if there was any discussion before we open to the public.

Ms. Fantasia commented our general consensus there was some confusion as to why this position was eliminated to begin with. Mayor Giordano commented we were stream lining, it worked for that time period, and times have changed.

Mr. Skellenger made a motion to open to the public Ordinance 13-2017. Seconded by Ms. Fantasia. All were in favor.

Dick Durina, 23 Lozaw Road, stepped forward. Mr. Durina commented you people up here do a good job, spend a lot of time, he agrees with you on most issues but on this issue, he disagrees with you. Mr. Durina commented in September the position was eliminated after a study and that is fine. Mr. Durina commented earlier this year our clerk received a four thousand dollar plus or minus raise because of the workload and part of that was excessive Open public meeting [record] act information which he agreed was the right thing to do to eliminate some of that so my simple question is if we gave four thousand dollars raise and now we are going to appoint a deputy clerk why didn't we do a deputy clerk earlier in the year when that work load was there. Mr. Durina commented he is all for smaller government I don't want to make this thing bigger and bigger.

Mayor Giordano commented why we are moving toward this direction now is with OPRA there are certain rules and regulations you have to follow in terms of time frames. One of the issues being basically there are only certain duties a Clerk or deputy Clerk can do. Mayor Giordano commented we aren't looking to hire outside the existing staff, it is not an additional position it is more a position that allows the person to become a deputy clerk should we appointment [someone and] can do the jobs that are required.

Mr. Durina commented on the salary. Mayor Giordano commented we would have to amend the salary ordinance. Mr. Durina commented in the last few years there have been some increase in salaries for some of the positions, this will catch up and be reflected in the budget so please take a close look at these positions. Mr. Durina spoke about low income residents in Franklin.

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Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented with all due respect to Mr. Durina, she is strongly for hiring a deputy clerk because somebody has to realize I don't know how long Robin has been clerk but she can't take vacation she has to schedule everything around meetings, not to speak of all of the other little things that are done in the office. Mrs. Heath commented this position should have never been eliminated to begin with.

Mr. Skellenger made a motion to close to the public ordinance 13-2017. Seconded by Mr. Rathbun. All were in favor.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: None

Franklin Borough PTO – request to waive fee

Mr. Rathbun made a motion to approve the request received August 24, 2017, from Dawn Ebisch, PTO President Franklin Elementary School, 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: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: None

Discussion on a Consolidated School System

At this time, there was a discussion and power point presentation on a consolidated school system. The presentation was explained and prepared by Councilwoman Fantasia.

Mayor Giordano commented we are happy to have somebody that knows the metrics and really understands what needs to be completed; she [Ms. Fantasia] is going to give us an education on what needs to happen.

Ms. Fantasia presented the presentation on a consolidated school system explaining each slide. Ms. Fantasia explained the presentation resulted from a resolution from the Town of Newton and read parts of the resolution. Ms. Fantasia explained how she obtained the information for the presentation and history of previous studies. Ms. Fantasia continued with the presentation going over administration and specific points in Sussex County.

Mayor Giordano commented for the record Ms. Fantasia really researched this. Ms. Fantasia continued with the presentation, explaining information regarding Paterson School System. Ms. Fantasia commented when Franklin School Superintendent and Principal retired we now have one Chief School Administrator that shares both rolls with a Vice Principal serving underneath. It is cost effective. Ms. Fantasia explained points to consider for the power point presentation.

Ms. Fantasia commented what she has addressed is that the Newton document that came to us claiming that one single Sussex County district would save all of you in the room. Ms. Fantasia commented she is a fan of cooperative pricing agreements, speaking to our State Legislatures, something has to change at the State level; something fundamental has to change as to how our schools are funded. The percentage that we pay and the relief that our taxpayers get and how that happens is we go back to our County Superintendent Dr. Rum: and we have a conversation of her funding's of her report from 2010. We need to go back and not reinvent the wheel and not charge every taxpayer in this County. Ms. Fantasia commented we

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need to get with the County and State and start conversations that they pull their weight for us.

Mayor Giordano commented the idea of what Ms. Fantasia has put together is very valid in pointing out that our economic needs are greatly impacted based on our assumption of how much aid we get in from the State. Mayor Giordano commented he has learned a tremendous amount, he believes that school consolidation will have to happen along with other services in New Jersey. However, the first step is to have an intelligent conversation as to what is going on, how to accomplish it and things such as superintendent or chief administrator job descriptions on a State level need to be changed before you can affect a change in that position.

Mayor Giordano thanked Ms. Fantasia for all her hard work she put into the presentation. Mayor Giordano commented our School Board does a great job and explained.

Discussion on Local Aid Application

At this time, there was a discussion regarding applications for local aid grants.

Mrs. McHose commented our Borough engineer had asked the Council to have a discussion about planning for local aid applications which he is in the process of working on, we need to figure out which roads we want to focus on next year. We had previously done a road plan for paving; right now, we are looking at Scott Road which is in need, there was also a discussion on Washington Ave./School Plaza and Mitchel Avenue. We would like some guidance from the Council.

Mr. Dabinett commented he had the same conversations with Mr. Knutelsky, apparently School Plaza/Washington Ave. and also Mitchell Ave. have the best chance of meeting the criteria met by the State. Scott Road does need work no questions about it.

There was a discussion on which roads to apply for local aid grants, the road plan was referenced as part of the discussion and which roads would meet the State standard for State Aid applications. There was a discussion on the order of roads to send application for State Aid Grants.

Mr. Dabinett commented based on the Engineer's findings, School Plaza/Washington Ave and Mitchel Avenue.

Mayor Giordano commented Mr. Knutelsky has Washington Ave/School Plaza first, then Mitchell Ave. Mayor Giordano asked if the Council was good with going with Mr. Knutelsky's recommendation.

Resolution 2017-61

Mr. Dabinett made a motion to adopt resolution 2017-61 authorizing the Borough Clerk to renew the following liquor license for the 2017-2018 licensing term.

Plenary Retail Consumption

1906-33-004-006 Sullivan's Gas Light Inn

Mayor Giordano commented for the record Mr. Skellenger has stepped down and will be back shortly.

Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun,

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Nays: None Absent: Limon (Mr. Skellenger left the Diaz and was not present for the vote on this resolution.) Abstentions: None

Discussion on Statewide Insurance Fund

Mr. Dabinett read at this time, there will be a discussion regarding letter dated September 1, 2017 from Caroline Conboy, Fund Administrator, Statewide Insurance Fund to the Mayor and Council Re: Membership in the Statewide Insurance Fund a return of surplus to the Borough in the amount of \$6,964.00.

Mrs. McHose explained the surplus.

Mr. Snyder made a motion to apply the credit to 2018. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: None

Discussion on Police Coverage for the Carnival

At this time, there was a discussion regarding budget/payout of the cost for police coverage at the Carnival.

Mayor Giordano commented what we would like to do is have police over time line [in the budget] cover this cost and not have DPW bill them [recreation] with their overtime.

Ms. Fantasia commented it defeats the purpose to have this billed to recreation, the money is there and they[recreation] are raising money for programs; it isn't an accounting issue at this point.

Mr. Dabinett made the motion. Seconded by Mr. Skellenger.

Mayor Giordano commented we have a motion and a second to have the police coverage [for the carnival] covered out of the police over time line and also DPW to cover it from their budget.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: Snyder

Introduction Ordinance 14-2017

Mr. Skellenger made a motion to introduce an ordinance 14-2017 entitled "AN ORDINANCE AMENDING CHAPTER 259 "PARKING," CODE OF THE BOROUGH OF FRANKLIN 259-5". (Note: Change in parking)

Public Hearing will be held September 26, 2017.

Mr. Prol explained the ordinance.

Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon Abstentions: None

Introduction Ordinance 15-2017

Mayor Giordano explained ordinance 15-2017

Mr. Rathbun made a motion to introduce an ordinance 15-2017 entitled "AN ORDINANCE AMENDING CHAPTER 259 "PARKING," CODE OF THE BOROUGH

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OF FRANKLIN 259-5". (Note: Change in Parking time limit) Seconded by Mr. Dabinett.

Public Hearing will be held September 26, 2017.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon 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.

Jennifer Giordano, 42 Mabie Street, Franklin, stepped forward. Mrs. Giordano thanked the Council for helping us [recreation] for security at the Carnival. That expense is most of what we make on the Carnival. Mrs. Giordano asked for clarification; she has three applications for use of the Senior Center and asked if they were all approved. Mrs. Giordano commented she has one [application] for this coming Friday, one for October 13 and October 20th those are all for movie night as a backup plan if the weather is bad; and one for using the Senior Center to count the money for the Carnival.

Mayor Giordano asked if anyone has any issues with recreation using the Senior Center. It is Borough property can we just have a motion for those applications or for blanket approvals.

Mr. Prol commented he suggests you do that once we leave open public session.

Ian Sherwood, 189–193 Cork Hill Road, Franklin, stepped forward. Mr. Sherwood commented just to address again that JCM is on the agenda tonight for basically an executive session which to his knowledge is a private session it seems they are here ready to do something, wouldn't that be opened to the public.

Mayor Giordano commented if we were to come back from executive session and make any decision at all it would be in public, you can't make any decisions in private.

Mr. Sherwood commented he is making sure everything is public because if it was more than just executive session he would have his lawyer here with him today and that is not how it was presented on the agenda. So, they are not going into the meeting with you.

There was a discussion back and forth between Mr. Sherwood and Mr. Prol.

Michael Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked if any progress was made on the reinforced grass. Mayor Giordano commented we are working on that. Mr. Raperto commented he worked on the lights at the pond, they are not in really good condition and spoke about the possibility of getting new ones. There was a discussion on getting new lights, Mr. Rathbun explained what he had done in the past regarding new lights.

Dawn Rowen, 140 Munsonhurst Road, Franklin, stepped forward. Ms. Rowen spoke about the rezoning of the property on Munsonhurst Road. Ms. Rowen spoke about rezoning and redevelopment. Mr. Prol commented the Zoning is the effective law and explained. There was a discussion back and forth on rezoning and redevelopment.

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Ms. Rowen commented Councilwoman Fantasia kudos to you that was a phenomenal job [referencing the presentation on consolidated school system.] Ms. Rowen asked how all the information effects charter schools and choice schools. Ms. Fantasia explained. There was a brief discussion.

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.

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 potential litigation, Miners Cove and 450 Rutherford Ave. Motion seconded by Mr. Rathbun. All were in favor.

Mr. Prol commented action may be taken he estimates closed session would last an hour.

After meeting in closed session, the Governing Body returned to their seats at 10:08p.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. Snyder. All were in favor.

Mayor Giordano commented before we didn't have a roll call vote on allowing recreation to have blanket use of the Senior Center, Robin has brought up they need to notify her to make sure there is not conflict [with the use of the Senior Center].

Mr. Skellenger made the motion. Seconded by Mr. Rathbun.

Mayor Giordano asked for an all-in favor of allowing recreation to have use of the Senior Center as long as it is not in use. All were in favor.

Mr. Prol commented items that were specifically discussed in executive session were 450 Rutherford Ave, Miners Cove Developers Agreement and JCM Investors property on Munsonhurst Road.

Mayor Giordano commented as discussed in executive session we do need a motion to extend the developers agreement for Miners Cove for an additional three years which would actually be 2 years, three years total [the agreement is already expired one year.]

Mr. Dabinett made the motion. Seconded by Snyder.

Upon roll call vote:

Ayes: Snyder, Dabinett, Fantasia, Rathbun, Skellenger

Nays: None Absent: Limon 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. Rathbun. All were in favor.

No one from the public stepped forward.

**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
September 12, 2017**

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. Snyder. All were in favor.

MISCELLANEOUS COMMENTS

Ms. Fantasia asked if the Council would be interested in drafting a resolution that would actually differ from Newton's resolution but a resolution where we would want State support seeking consolidation of services for our school.

Mayor Giordano commented that is a great idea.

Mr. Snyder commented it has to start at the State.

Ms. Fantasia commented she agrees and explained. Ms. Fantasia commented she would draft something and send it over to Robin, Tom and Alison to take a look 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 10:12p.m., seconded by Mr. Rathbun. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk