

**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
November 14, 2017**

Mayor Giordano called the meeting to order at 7:03 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."

Mayor Giordano commented he will be moving item number 3 to the end of the regular agenda to be heard in conjunction with the addendum.

PRESENTATIONS

At this time Mayor Giordano introduced Tom Knutelsky, Borough Engineer to give us an update on Borough projects.

Tom Knutelsky thanked the Mayor and handed out roadway maps to the Council members. Tom Knutelsky commented most of the projects are regarding roadway paving projects. The council may be aware we are looking to revise the 10 year capital improvement plan for roadways, Monica Miebach, CFO has confirmed the funding is available to move forward. Mr. Knutelsky will be riding around the town tomorrow with Brian VandenBroek to assess the roads that need to be paved. We are on schedule with our paving according to our paving plan from 2013. We received grant funding for Buckwheat Road, paving is scheduled to be done in the middle of 2018. Applications have been submitted to DOT for School Plaza and Washington Avenue as our priority number one roadway this year for funds and Mitchell Avenue for our number two priority roads. We don't know if the current funding applications have been approved yet. Future funding for DOT projects are roadways that interconnect between roadways that have already been paved examples are Maple Road, Taylor Road, Parker Street, Scott Road, Green Street and Evans Street. Residential neighborhood grouping roadways will be looked at but will be difficult to get funding for through DOT grants.

There was a discussion on different types of paving materials for various roads in the Borough.

Mr. Knutelsky mentioned quotes were received for the Evans Street and Main Street wall project. Viersma Excavating has been awarded the contract. It will begin the week after Thanksgiving and should take approximately a week to complete.

Mr. Knutelsky commented they are also going to be reviewing signage placement along Main Street and signage reflections for night visibility, as well as roadside hazards, when driving through town.

COMMITTEE REPORTS

Mr. Skellenger had nothing to report.

Mr. Rathbun reported he will be meeting with police officers, Councilwoman Fantasia and Councilman Skellenger next week. Mr. Rathbun congratulated everyone on the passing of LOSAP.

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Mayor Giordano asked about updates on the purchase of the police vehicle. Mr. Rathbun had no updates.

Mr. Snyder commented he is thankful the LOSAP was able to be placed on the ballot this year. It benefits all of the Fire and EMS services and thanked the taxpayers for their support in passing LOSAP. Mr. Dabinett commented it will benefit the entire community.

Mr. Dabinett reported the road department continues to prepare for winter checking over the equipment and Brian VanDenBroek has informed him the price of salt has come down \$16.00/ton.

Ms. Fantasia reported LOSAP passed by 70%. She and Councilman Skellenger attended the Franklin Education Foundation Fundraiser at Cava Winery. It was a great event, the School Board, Chief School Administrator were present and met some of the teachers and staff. It was an excellent event to benefit Franklin School. Hoping to get an early start on the budget this year a finance meeting is tentatively scheduled for next Tuesday. At the EDC meeting last week they spoke about the proposed New Jersey Herald Magazine advertising. After discussion the committee determined to pass on placing an ad. Judy Williams EDC secretary will be drafting a letter recommending to the governing body to consider that Mabie Street between Rutherford Ave and Main Street to become a 2-way street. Also to consider opening up the North end of Rutherford Ave and Route 23 to help with emergency traffic flow.

Mr. Tom Prol had nothing to report.

Mayor Giordano commented he is advertising to accept proposals for the professional appointments for the borough. The proposals will be going to him and after review, along with the councils input, appointments will be decided. He would like to go over some goals to accomplish for next year with the council. Items he feels that are important are paving projects, I&I and how to encourage more volunteerism to the town. This is a team effort and opinions from the council are welcome.

Mr. Dabinett commented regarding Judy Williams letter that Ms. Fantasia spoke about in her report. He has lived in town 44 years and doesn't know why Mabie Street is a one-way street between Main St. and Rutherford Ave. He supports changing it to a two-way street.

Mayor Giordano commented he recommends to meet with the ordinance committee to draft an ordinance as well as one for the reinforced grass.

Mrs. McHose, Administrator is not here tonight she is at the League of Municipalities Annual Conference taking some classes and will not be returning until Thursday.

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 Lozaw Road, Franklin stepped forward. Mr. Durina commented about numbers on assessments for a project on Munsonhurst Rd and tax benefits to the town that were discussed at the last meeting and gave what he believes are the real numbers. He asked if the Newton Mayor had been invited to speak here in Franklin Borough. After a brief discussion Mayor Giordano commented Mr. Levante is welcome to come but no formal invitation was sent and Mayor Giordano respects his councils wishes.

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David Miller, Current Commander of Sgt. Francis M. Glynn American Legion Post #132, Franklin stepped forward. Mr. Miller commented there has been issues with map applications as well as GPS units locating the Legion's address of 1 Legion Road. Mr. Miller requested a street name change to Sgt. Francis M. Glynn Road with a dedication to be held at the 2018 Memorial Day ceremony. Mr. Miller also spoke about issues with advertising for events they have during the year and asked if the Borough could help in getting information out to the residents. Mayor Giordano commented there are steps involved in the name changing of a road, but doesn't see a problem with moving forward with that process. He also commented we can place information on the Borough's website and our sign at the pond to help with advertising their events.

Fire Chief Frederick Babcock Jr., Franklin Fire Department, Franklin, stepped forward. Mr. Babcock thanked the council and the residents for their support in passing LOSAP, (Length of Service Award Program).

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented on the figures for the potential 517 project and how the added costs for school taxes, road maintenance, police and fire department for the project. Mayor Giordano explained how the costs for school taxes work when additional students are enrolled.

Susan Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mrs. Gunderman commented on the 517 project and her concerns with the increased population. Mrs. Gunderman also spoke about paving in the town, pot holes and the High Street repair.

Todd Hooker, Attorney, Askin and Hooker, LLC, 200 Woodport Road, Sparta, stepped forward. Mr. Hooker commented he represents ITS Properties. Mr. Hooker asked about the addendum and if ordinance 17-2017 was going to be up for a second reading at this meeting. Mr. Prol explained there were some recommendations from the Planning Board for proposed revisions and if those revisions were incorporated a new ordinance, (20-2017) would be put in place and the old ordinance would not move forward. There was a discussion on the ordinances and the process.

Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented he is against changing both Rutherford Avenue and Mabie Street to a 2-way street and explained his concerns with the safety and traffic if changed.

Dawn Rowe, 140 Munsonhurst Road, Franklin, stepped forward. Ms. Rowe commented on her concerns with the 517 project, increased taxes, environmental issues, traffic and stress on the infrastructure of the town.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina asked if the meeting will be opened to the public on ordinance 17-2017. Mr. Prol explained how the public sessions will work on each ordinance, (17-2017 & 20-2017) when read.

Mike Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mr. Gunderman commented to put the development on a referendum for a vote like was done for LOSAP.

Kathleen Kilcoyne, 123 Munsonhurst Road, Franklin, stepped forward. Ms. Kilcoyne commented on her concerns about the amount of people, the traffic, sidewalks, the wells, the homes on Munsonhurst who are currently on well water and the potential to dry those wells up if the project goes through. Ms. Kilcoyne asked if the developer thought about how this project would fit in with the surroundings of the area.

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Silvia Stallone, Sparta, stepped forward. Ms. Stalone represents a group called NJ Forest Watch and also Friends of Sparta Mountain. Ms. Stalone commented she was very happy when back in April the Planning Board denied the application. However, when she attended the past Planning Board meeting and heard of the proposed ordinances that were being considered caused her concerns. She asked that we remember why people move to Sussex County and please consider how this development would impact the area.

Ms. Fantasia explained on the per pupil costs and how the costs are calculated with equalization aid and different kinds of aid from the state of New Jersey. Ms. Fantasia commented. Franklin works well together with our school and school boards however they are the real decision makers but anyone that would like to come and talk about ways we can save money for schools here in Franklin is welcome.

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.

Ms. Fantasia asked Mr. Prol on number 2 of the consent agenda, the Township of Mt. Olive resolution of the Governing Body opposing the legislative proposals or the OPRA, in his opinion does he feel this would move forward with other municipalities. Mr. Prol commented no.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution #2017-3 from the Franklin Board of Health Appointment of Local Registrar.
2. Township of Mount Olive resolution of the Governing Body Opposing Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act.
3. Resolution # 2017-153 from Township of Green, County of Sussex, State of New Jersey supporting the Sussex County Clear (Community Law Enforcement Addiction Recovery) Program.
4. Letter dated November 9, 2017, from Patrick J. Sinwich, Communications Officer, Bureau of Communications and Response Services, NJDEP, to Borough Clerk and Health Officer Re: Suspected Hazardous Substance Discharge Notification.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity report for October, 2017.
2. Construction report for October, 2017.
3. COH report for October, 2017.
4. Zoning Officers report for October, 2017.
5. Police Department report for October, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of the Senior Center by Jennifer Giordano Chairwoman of the Franklin Borough Recreation Commission on Saturday, December 2, 2017 from 12NOON – 10PM for the annual tree lighting.

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RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

Mr. Skellenger__made a motion to approve the consent agenda of November 14, 2017. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Rathbun, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

OLD BUSINESS

Mayor Giordano commented he would like Mr. Dabinett and Mr. Knutelsky to work together on the reinforced grass for the driveway ordinance. Mr. Knutelsky stepped forward to explain the current driveway ordinance.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Rathbun made a motion to approve the executive session minutes for October 10, 2017 (Absent Mr. Dabinett) (Note: Tabled at the October 24, 2017 meeting). Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Fantasia

Nays: None Absent: Limon Abstentions: Dabinett

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for October 24, 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Mr. Rathbun made a motion to approve the special meeting minutes and executive session special meeting minutes for November 4, 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limom Abstentions: None

Adoption of Ordinance #16-2017

Mr. Rathbun made a motion to adopt Ordinance #16-2017 "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE TRUCK BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATION \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION." (Note: Tabled at the October 24, 2017 meeting) Seconded by Mr. Dabinett.

Prior to final roll call, Mayor Giordano will open the meeting to the public for any comments regarding ordinance #16-2017.

Mr. Skellenger made a motion to open to the public ordinance 16-2017. Seconded by Mr. Rathbun.

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Mayor Giordano asked Mr. Knebl to step forward to speak about the new fire truck. Steve Knebl, Franklin Fire Department stepped forward. Mr. Knebl explained the special truck specifications that were needed when building and purchasing the fire truck. A discussion continued on the type of truck, needs, process and selection of the company chosen. Mayor Giordano commented the Jaws of Life responsibility has now been transferred from the Walkkill Valley First Aid Squad to the Franklin Fire Department. Mr. Babcock, Franklin Fire Chief commented the truck will also be used to house that equipment.

Mr. Skellenger made a motion to close to the public ordinance 16-2017. Seconded by Ms. Fantasia.

Mayor Giordano commented the council worked diligently together with advice from department heads on this purchase.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: Snyder

Resolution #2017-70

Mr. Rathbun made a motion to adopt Resolution #2017-70 to Transfer of Appropriation (2017 Municipal Budget) in the amount of \$2,450.00. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Resolution #2017-71

Mr. Skellenger made a motion to adopt Resolution #2017-71 for the Franklin Fire Department coin toss fundraiser to held on January 27th and 28th, 2018, April 14th and 15th, 2018 July 28th and 29th, 2018 and November 17th and 18th, 2018. Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: Snyder

Animal Control Officer Shared Service Agreement

Mr. Skellenger made a motion to approve the Shared Service Agreement between the Township of Wantage and the Borough of Franklin for the service of Animal Control Officer of the calendar year 2018 in the annual sum of \$11,985.00. (This is a 2% increase from last year's amount of \$11,750.00). Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

PSAP agreement with Sparta

Mr. Skellenger made a motion to approve the Public Safety Answering Point (PSAP) to provide a 9-1-1 enhanced emergency telephone network to meet state requirements for a Five-year-period including 2018, 2019, 2020, 2021 and 2022. Seconded by Mr. Rathbun.

Mr. Rathbun commented Public Safety Committee and the Police Chief are very satisfied and Sparta offers more out of the scope than they have to per contract.

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Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Introduction Ordinance #19-2017

Ms. Fantasia made a motion to introduce an ordinance #19-2017 entitled "An Ordinance amending Chapter 176 of the Code of the "Mobile Home" Ordinances". Seconded by Mr. Skellenger.

Public Hearing will be held November 28, 2017.

Mayor Giordano explained the reason for the amendment.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

A Discussion on Ordinance 17-2017

Mr. Prol commented on what the proposed ordinance is doing is to harmonize Borough ordinances with what the planning board set last year in the master plan. Mr. Prol explained the ordinance process when working with the planning board.

Mayor Giordano commented the planning board found several substantive changes that they recommend. He asks the council to postpone ordinance 17-2017 indefinitely.

Adoption of Ordinance #17-2017

Mr. Skellenger made a motion to postpone indefinitely the second reading of Ordinance 17-2017. "AN ORDINANCE TO AMEND CHAPTER 161, THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF FRANKLIN REGARDING THE MIXED ACTIVE ADULT (MAAH) HOUSING DISTRICT." Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Mr. Prol commented there is no need to open and close to the public on ordinance 17-2017 because it has been postponed indefinitely.

ADDENDUM

Introduction of Ordinance #20-2017

Mr. Snyder made a motion to introduce Ordinance #20-2017 "AN ORDINANCE TO AMEND CHAPTER 161, THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF FRANKLIN REGARDING THE MIXED ACTIVE ADULT (MAAH) HOUSING DISTRICT." (Which version reflects the comments received from the Planning Board dated November 9, 2017). Seconded by Mr. Rathbun

Public Hearing will be held November 28, 2017.

Mr. Prol explained that this Ordinance is scheduled for second reading and adoption on November 28th. If for some reason the Borough Planning Board does not return comments prior to that, the second reading will be adjourned until the following meeting. This will become a new ordinance and will be renoticed in compliance with the law.

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Mr. Skellenger made a motion to open the meeting to the public for anyone wishing to address Ordinance #20-2017. Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Dick Durina, 23 Lozaw Road, Franklin stepped forward and expressed his passion for the water in the wells. Mr. Durina stated that from 1994 to 1998 the Borough used the Franklin Pond as their water source. We had brown water that was not drinkable and stained all of the residents' laundry. Mr. Durina reviewed all the letters from the planning board, the ordinance and the consent order filed October 13, 2017. He respectfully asked to draft a water well protection plan in the master plan for the proposed site.

Mr. Prol commented he wrote a provision to protect the Borough's water and it would be imposed at the time an application is heard. A discussion continued on the project, protecting the wells and its impact to the Borough.

Corey Hennings, 21 Taylor Road, Franklin, stepped forward. Mr. Hennings commented he was at a planning board meeting where they spoke about a financial impact study that was taken out of the ordinance but then recommended to be put back in. He would encourage that be done and also do an independent study done paid by the town to confirm the studies that may be required by the developer.

Mike Gunderman, 22 Jenkins Road, Franklin stepped forward. Mr. Gunderman asked Tom Knutelsky if the project is built, how would the well effect water distribution. Mr. Knutelsky said the project would get the water first and a lot of water would be utilized. The DEP will require as part of the public drinking system expansion for this development, they will look at the maximum amount of water used through the Borough in the last 3 years to determine how much water is available, its called "firm capacity". Mr. Knutelsky continued to explain firm capacity, environmental impacts.

Mr. Dabinett commented there were discussions with Mike Vreeland, the Borough's water engineer and the possibility of having the applicant put a water tower to equalize the system.

Patty Carnes, 289 Rutherford Avenue, Franklin, stepped forward. Ms. Carnes commented she doesn't know how all the units would be filled and if there is a need for them.

Dawn Rowe, 140 Munsonhurst Road, Franklin, stepped forward. Ms. Rowe commented on her concerns with this development, the wells, the ridge, schools and the impact on everyone in the Borough.

Mr. Skellenger made a motion to close the meeting to the public ordinance 20-2017. Seconded by Mr. Rathbun. All were in favor

Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Mr Snyder made a motion to approve the application for use of the Senior Center by Forward Franklin Alliance and Franklin Borough on December 6, 2017 from 5:30PM to 7:00PM for a meeting. Seconded by Mr. Rathbun.

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Upon roll call vote:

Ayes: Rathbun, Skellenger, Snyder, Dabinett, Fantasia

Nays: None Absent: Limon Abstentions: None

Mayor Giordano commented the public hearing for ordinance 20-2017 will be held November 28, 2017 unless the planning board has not been heard from which case it will be postponed to the next meeting.

Mr. Prol offered red-line copies of ordinance 20-2017 for anyone interested in the audience.

EXECUTIVE SESSION

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.

Jennifer Giordano, 42 Mabie Street, Franklin, stepped forward and asked if the request for use of the Senior Center by recreation for the Christmas tree lighting was on the agenda. Ms. Fantasia commented it was approved on the consent agenda.

Mike Rapperto, 13 South Street, Franklin stepped forward. Mr. Rapperto asked if all other agencies on item 8, PSAP were contacted. Mr. Rathbun commented yes and explained the cost involved with changing to another agency. Mr. Rapperto commented he was concerned with some issues with fire dispatching. Mayor Giordano commented to keep the Borough informed if issues continue.

Jennifer Friend, Walkkill Valley First Aid Squad stepped forward. Ms. Friend thanked everyone for passing LOSAP. Ms. Friend commented the First Aid Squad is in the process of obtaining a new vehicle. Ms. Friend gave information on the condition of the balance of the fleet and the need to replace future equipment. Mayor Giordano commented he would like the finance committee to speak with Monica Miebach in possibly adding a line item to the budget for future equipment needs.

Mayor Giordano discussed police department surplus vehicles.

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

None

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:15p.m., seconded by Ms. Fantasia. All were in favor.

Nicholas Giordano, Mayor

Darlene J. Tremont, Deputy Clerk