

**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  
January 13, 2015**

Mayor Crowley 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. Babcock, Mr. Dabinett, Mr. Giordano, Mr. Limon, Mr. Martinez, Mr. Snyder, and Mayor Crowley.

Absent: None

Mayor Crowley 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."

Mayor Crowley asked Chief McInerney to bring in his Officers.

Mayor Crowley led the assembly in the flag salute.

**PRESENTATIONS**

The Borough clerk administered the Oath of Allegiance to new Police Officer Zachary Oren.

Officer Oren introduced his family to the Council and the public.

Mayor Crowley commented we have the whole police force here and called a 5 minute recess for the Council to leave and have a picture taken of the Police Department in front of the dais.

The Council took a break at 7:05PM.

The Council reconvened approximately 7:10PM.

Mrs. McHose commented we made a change with the microphone system, prior to this we kept the mics on at all times, she feels for the assistance of the clerk when she is transcribing the minutes to just have one microphone on at a time when we talk. You will have to push the oval down to talk then release when you are done. This will be a learning process, Robin and I will be reminding you for the record to be recorded you will have to push the button. This will help with Roberts Rules so no one can talk across each other and interrupt each other.

**COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Giordano reported recreation is working on the possibility of revising the fee structures for usage of the pond area and recreation facilities. The increases will not be tremendous but they need to be more in line with what the costs are for using the facilities.

Mr. Snyder had no report.

Mr. Babcock had no report.

Mr. Martinez reported he hopes to have some numbers as far as the track cost in the next meeting.

Mr. Dabinett reported two items as far as ordinances are concerned. One is the ordinance that is pending from last year pertaining to motor homes here in town. He would like the public to know he is available to anyone that would like to speak to

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him on that matter. He knows some people objected to that ordinance, himself and the committee will be open to suggestions on that matter. The other item is he was requested by the police department to review the ordinance setting fees on towing. We will be looking into that in the not too distant future. He hopes to have some of the towing contractors come in and meet with us and sit down for a discussion on it.

Ms. Hough reported the registrar's office completed the quarterly report, we issued 189 certified copies of death, birth and marriage certificates from October through December and 12 Marriage applications. Ms. Hough reminded everyone to renew their cat and dog licenses.

Mr. Ursin commented no report but requests a closed session to discuss contractual negotiations and DPW litigation.

Mrs. McHose thanked the Council for their confidence and support in her appointment as Borough Administrator. Mrs. McHose reported the following administrators report which is also on file in the Clerk's office.

F.Y.I.

- Held a staff meeting for full-time employees. This week I will be holding another staff meeting for both full and part-time employees.
- Held meetings with Department Heads.
- Hired two alternate court attendants.
- Authorized placement of an advertisement for the sale of surplus vehicles.
- Toured Borough Hall building and began evaluation of several systems.
- Attended an ethics briefing for municipal officials and a grant writing class with Jim Williams. Skills from both of these classes will be useful.

Action Items

- Spoke to tenants of 91 Main Street to discuss parking needs for two businesses. Also spoke to Chief McInerney about this. An arrangement was agreed to by the two parties, but a request for an ordinance change may be presented to the Zoning Board and then to the council to change 5 spots from half hour parking to two hour parking.

Mr. Snyder referred to the parking in front of 91 Main Street. Mr. Snyder commented with regards to the ordinance change possibly, right now there is a 30 minute sign that is located on the building but the other 30 minute sign is not there, it is at the other end of the building. People don't know there is 30 minute [parking] and parking there a longer time. We should put that 30 minutes sign back up to let them know there is only 30 minutes there.

Mayor Crowley commented we will look into that.

Mayor Crowley commented he received a letter from the Sheriff's office inviting the Mayor and Council to tour the Sussex County Communication Center on January 26. It is an open house between the hours of 5:00 and 8:00PM. If anyone is interested that is open to the Mayor and Council.

Mayor Crowley informed the Council we just received the Sussex County League of Municipalities meeting tomorrow night January 14 at 6:30 PM, if anyone is interested call Darlene first thing in the morning.

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**OPEN PUBLIC SESSION**

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

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented under item I new business number 9 discussion for residential electrical COOP. Mr. Durina commented for a disclaimer he is a retired Jersey Central Power and Light Company employee, he has no interest other than a retirement check that comes in once a month. Mr. Durina commented he believes this regulation or ordinance goes beyond what Municipal Government really needs and in his opinion too much government. We don't need to have the Government involved in something you have to OPT out of. Mr. Durina commented he is not in favor of 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. Martinez. All were in favor.

**OLD BUSINESS**

Mr. Babcock commented on looking into the County Dispatch.

Mayor Crowley commented this will be phased in gradually and a lot of this will depend what Sparta does since we are dispatching through them.

Mr. Giordano commented he read in the paper the other day regarding Hardyston and Hamburg working together towards an EMS. Mr. Giordano commented he knows that Sparta comes in during the day do we know the status of that.

Mayor Crowley commented at this point Sparta wants to get out of providing Ambulance service.

Mr. Giordano asked if we know any of the details with Hardyston and Hamburg.

Mayor Crowley commented no, he will call Marianne Smith, Hardyston Manager.

Mr. Snyder asked what the time frame was for the demolition project on Rte. 23.

Mr. Knutelsky Borough Engineer, commented contracts were returned to his office at the end of last week, signed contracts by the contractor, there is a couple of information in regards to insurance they still have to provide. They are hoping because of the weather we have had it is a week process that will be taken care of towards the end of January but the stabilization of the sites in question won't happen until the spring time. We are looking to the end of January for the actual demolition to start and finish the end of January beginning of February time frame.

**NEW BUSINESS**

**Approval of the Minutes**

Mr. Snyder made a motion to approve the regular meeting minutes for December 23, 2014. (Absent: Mayor Crowley) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: Dabinett

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**CONSENT AGENDA**

Mayor Crowley 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 December 26, 2014 from John Hatzelis, Administrator, Sussex County Municipal Utilities Authority to Mayor Crowley Re: Actual Annual Charge FY 2014, Quarterly Estimated Charge FY 2015 and SCMUA Sewage Treatment Services.
2. New Jersey State League of Municipalities membership advisory dated January 7, 2015 Re: 23 Annual Mayor's Legislative Day, February 4, 2015.
3. Montague Township Resolution 2014-91 Urging the NJ State Legislature to Enact a 2% cap on tuition increases charged by County Vocational Technical High Schools to local sending districts.
4. Township of Byram Resolution 189-2014 to support restoration of funding to State Parks Programs which will suffer cuts due to diversion of corporation business tax funds due to public approval of New Jersey Ballot Question 2.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. COH report for December, 2014.
2. Construction report for December, 2014.
3. Construction permit activity report for December, 2014.
4. Registrar report for October, 2014 through December, 2014.
5. Police Department report for December, 2014

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

(Note: Items number 1-5, Peddler/Solicitors permits were pulled off the consent agenda on December 9, 2014 and not approved due to missing license plate number missing on the application. There is an email attached with the license plate number of the minivan that will be used.

1. Application for Peddler/Solicitors permit for Mickel Belle, employed by Slomin's to solicit home security/home heating oil.
2. Application for Peddler/Solicitor permit for Marius Williams, employed by Slomin's to solicit home security/home heating oil.
3. Application for Peddler/Solicitor permit for Luis Oliveira, employed by Slomin's to solicit home security/home heating oil.
4. Application for Peddler/Solicitor permit for Emmanuel Ezeigbo, employed by Slomin's to solicit home security/home heating oil.
5. Application for Peddler/Solicitor permit for Angel Ramirez, employed by Slomin's to solicit home security/home heating oil.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 13, 2014.

Mr. Limon made a motion to approve the consent agenda of January 13, 2014. Seconded by Mr. Babcock.

Mr. Snyder commented he had pulled out the solicitors application with additional information on the vehicle which is a NY registration. Because it is a NY registration we are having difficulty seeing who the vehicle actually belongs to.

Mr. Martinez commented on the applications it has phone numbers for everyone. Looking at the application they all have the same phone numbers which is Nassau County. Would you want their phone numbers.

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Mayor Crowley commented if you are going to discuss this we have to pull this off the consent agenda.

Mr. Giordano made a motion to pull applications 1-5 for the solicitors off the consent agenda. Seconded by Mr. Martinez.

Mr. Limon approved with the change.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

**NEW BUSINESS**

Approval of the Minutes

Mr. Snyder made a motion A motion is in order to approve the reorganization meeting minutes for January 1, 2015. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Municipal Software Inc.

Mr. Snyder made a motion to approve the Municipal Software Support on site network in the amount of \$3,600 and Maintenance Commitment in the amount of \$16,126.50 with MSI. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Appointments to EDC

Mr. Snyder made a motion to confirm the Mayor's appoints for Keri Marino and Mike Rathbun to EDC members. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Appointment to Zoning Board of Adjustment

Mr. Snyder made a motion to confirm the Mayor's appoint for Wes Suckey to the Zoning Board of Adjustment Alternate #2 effective February 1, 2015. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Discussion on the Mayor's Appointments:

At this time there was a discussion regarding the following Mayor's Appointments.

Mayor Crowley commented this was turned down at the reorganization meeting. Mayor Crowley commented he needs guidance on this, the list is in front of you, some of these people especially the Judge is in a bad position not being appointed these people stay in their positions until an appointment is made in those positions.

Mr. Giordano commented he would like to have only the public defender position added to number 6 professional services to see if we could discuss that in number 6.

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Mr. Giordano made a motion to approved everything else.

Mayor Crowley commented you approved everything except the public defender.

Seconded by Mr. Dabinett.

Prosecutor (1year)	Anthony DenUyl
Public Defender (1 year)	<b>Daniel A. Colfax, Esq. (Not Approved)</b>
Planning/Community Development Director	
Municipal Housing Liaison (1 year)	
Recycling Coordinator	
Right to Know Coordinator	
Assessment Search Officer (1 year)	Robin Hough
Tax Search Officer (1 year)	Theresa Schlosser
Borough Physician (1 Year)	Dennis Fielding
Animal Control Officer (1year)	John Abate
School Crossing Head Guard (1 year)	Lynn Prtorich
Judge (3 yr.) Expires 12/31/17	James Devine, Esq.
Emergency Management Coordinator (3 Year)	Jim Williams

Mayor Crowley asked for a roll call on the list. [With the public defender removed]

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Resolution 2015-01 Professional Services

Mayor Crowley commented next is the resolution for professional services with the addition on the public defender.

Mr. Giordano made a motion that we put out these positions for request for quotes, that hopefully we can see what other professionals are available and he would like to put them out for quotes.

Mr. Dabinett commented he thinks we owe it to the taxpayers to do this so he seconded the motion.

Mr. Limon asked what exact services.

Mayor Crowley read the list in resolution 2015-01, Schenck, Price, Smith & King, Laddey, Clark & Ryan, Ferraioli, Wielkotz, Cerullo & Cuva P.A., Hawkins, Delafield and Wood, Harold Pellow and Associates, Anthony Den Uyl Esq. and Daniel Colfax Esq.

Mr. Giordano commented we wouldn't be putting the prosecutor out he was approved.

Mr. Giordano commented he would also like to add The Nelson Consulting Group the planner position for request for proposal.

Mayor Crowley asked for what reason for the planner.

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Mr. Giordano commented he thinks we should see if we can get services at a better rate.

Mayor Crowley commented the Boards hire their own professionals; he was already hired by the Boards.

Mr. Giordano commented when he was on the Planning Board last month they said they were going to forward that to the Council for approval.

Mayor Crowley commented the Boards have the right to hire their own professional.

Mayor Crowley commented on the Master Plan re-examination report.

Mr. Ursin commented just to clarify; the Boards appoint the professionals that serve those Boards; the planner is one of the unusual professionals who can serve both the Planning Board and he is chosen by the Planning Board to serve the Planning Board, the Zoning Board the same thing and there often the planner provides services for the Municipality and that is chosen by you [the Council]. It makes sense to have the same one considering it is planning but that is completely up to you, there are circumstances he has seen where it is different.

Mayor Crowley commented the motion is to request for quotes for these people.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Master Plan Re-Examination Report Proposal

Mayor Crowley commented the Master Plan Re-Examination we have discussed this and you have a memo from Jim Kilduff to approve the Nelson Consulting Group.

Mr. Giordano commented he was on the Planning Board when they recommended this; he does believe we need to reevaluate the area in question some of the zoning requirements might be a little outdated. It would be in the towns best interest he feels to look into doing the re-examination, he is in support of it, whereas he did not support the planner in question if he is awarded the appointment he does believe we still need to move forward with this re-examination.

Mr. Giordano made a motion to approve The Nelson Consulting Group Franklin Borough Master Plan Re-Examination Report Proposal dated December 8, 2014. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Discussion on the Garbage Contract

At this time there was a discussion on the Garbage Contract.

Mayor Crowley commented the contract is coming to an end and we need to go out to bid. When we discussed this several years ago there was overwhelming support in the community to have household garage picked up by the Borough and keep it within the tax frame as it was before.

Mayor Crowley commented what we need to do is set up a committee; he would like to set up an ad hoc committee, to get this going and go over the old contract and to

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set up proposals, there are time frames and legal considerations for the garbage contract. Mayor Crowley commented he would like to have Monica Miebach, CFO, Alison Littell McHose, Administrator on the committee and also Bob Dabinett and Mike Rathbun. We have four people that have some expertise in this area to start getting the paper work going for the garbage contract. Which is up on June 30.

There was a brief discussion on the garbage contract.

Discussion on the Residential Electric COOP

At this time there was a discussion regarding the Residential Electric COOP.

Mayor Crowley commented Mr. Giordano you asked for this to be on the agenda. At this point the ordinance has been past they went out to bid; they did not get bids they thought were sufficient they did not accept any, this was reported in December to the Council. They have not accepted any bids, they plan to go out to bid again, the way the ordinance is written now if they accept the bid they will pass it on to the Borough and if the Borough feels we can save money we can execute that in accordance with the ordinance the way it is written now.

Mr. Giordano commented the reason why he asked for this to be put on was because there was a court ruling that has some drastic affects on JCP & L in our area. His concern is that if they are not able to match the rate we are getting, he is not necessarily for this type of arrangement to begin with but his concern what if they are not able to match the rate. Is there a time frame?

Mayor Crowley commented they are guarenteed that they would match the rate or a better rate if they can't do that we would not go on to the next step.

Mr. Giordano asked if there is any time frame as far as when is their time up.

Mayor Crowley commented he doesn't know if there is any time frame involved.

There was a brief discussion on the Electric COOP.

Mayor Crowley referred to the items pulled off the consent agenda. We can have those items sent back to the administrator to look at or pass.

Mr. Martinez commented to have their correct phone number on the application if not send it back. The application says home number.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Babcock made a motion to adjourn into closed executive session to discuss litigation and contract. Motion seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: None

Mr. Dabinett commented before we go into executive session he would like to bring up the police report the Chief just filed. He thinks it is interesting for the citizens in Franklin to know just how involved our Police Department is. There was 33,943 incidents involved in the police department this past year. It is all broken down, he would like this report to be available in the clerk's office so anybody in our town can



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access it and see where their tax dollars are being stretched as far as our police department is concerned.

Mayor Crowley commented as part of this packet it is open public meetings and is available in the clerk's office.

After meeting in closed session, the Governing Body returned to their seats at 9.:00p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Martinez made a motion to adjourn the meeting at 9:01p.m., seconded by Mr. Babcock. All were in favor.

\_\_\_\_\_  
Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk