

**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
May 10, 2016**

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. Martinez, Mr. Rathbun, Mr. Snyder, and Mayor Giordano.

Absent: None

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 they had a personnel meeting, we all supported in the meeting the cost of living adjustment. We will bring that up this evening under old business. The committee also discussed several merit raises, we will have some information on that in the next meeting or so. We are working with each department head and information on those employees. Also, we are looking into expanding Thursday night office hours here, this is the first we had a talked about it, hopefully we will be implementing that very shortly. Hopefully we will look at something like staggered early hours and have later hours on Thursday. One thing we want to avoid is overtime.

Mr. Dabinett reported the public utility committee met last Thursday, Mr. Deacon came in from Sterling Plaza, he has agreed to put a new sewer pumping station in down at the Plaza rather than try and rebuild the existing pumping station that is there. It would be a lot easier once the new system is in next to the old one just to make a quick tie in so the other businesses that are there on the line now won't be out of service for any length of time.

Mr. Dabinett commented we also looked at the report that Karen Folkerts gave us the other night at the Council meeting. Ms. Folkerts had some very valid points that she brought forward and he thinks in the not too distant future we would like to look at implementing some of the proposals on there.

Mayor Giordano commented to clarify the Board of Public Utilities had agreed to waive the EDU's for the period of time that Mr. Deacon will be working on the completion of his building.

Mr. Dabinett commented it was discussed but he is not sure we came to a final decision on it. Mr. Dabinett commented he knows there was some period of talk about it being a quarter, starting when he got his permits that as far as he is concerned [nothing] set in stone at this point.

Mayor Giordano commented on adding this to the next agenda.

Mrs. McHose commented Angelo Bolcato, Esq. is in the process of drafting an agreement with Mr. Deacon at the suggestion of the committee so we are working on putting that together.

Mr. Dabinett commented Mr. Vreeland and Mr. VanDenBroek are putting things together so Mr. Bolcato can draft that agreement.

Mr. Snyder asked Mrs. McHose about the TV mounted on the walls.

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Mrs. McHose commented she met this week with a technical person to discuss installing a TV Screen in this room as part of the requirement from the Administrative Office of the Courts. Sussex County is part of the piloted program, what will be happening is prisoners will no longer be transported from the Jail in Newton over here for a trial, they will be on a screen. What will happen is most likely behind Mr. Dabinett and Mr. Snyder heads, on an arm will be a 40 inch monitor that will come out from the wall that will be angled so the audience can see the screen and the Judge sitting where the Mayor is will have a lap top with a camera, it is a two way. It isn't very involved it is just a matter of installing the monitor and she explained. This is all at the Cost of the AOC (Administrative Office of the Courts).

Mr. Snyder asked if it was also maintained by them. Mrs. McHose explained the software system the State is providing is built into the bail reform, there is money available to provide the fee to pay this. There is a service contract with the software. The technical side she will have to check on the warrantee when we purchase it.

Mr. Rathbun reported last Saturday Recreation held a fishing contest, we had sponsors of the FOP Lodge 57, Braen Stone, Wal-Mart, and Sussex County Miners. A big thank you to Herby the mascot for coming out to take pictures with the kids. It was a great turn out we had 56 registered kids fishing down there. After the event a few recreation members walked around to survey the land for a dog park. We will have that discussion this Thursday at our Recreation meeting. The Recreation secretary has resigned but is willing to stay on board until we find a replacement. The Carnival is July 7 - July 10, we are still looking for any 501 C organizations to sponsor any gaming trailers as of today we have two trailers spoken for. We are selling presale ride bracelets for \$20.00 each. Recreation will have their own tent at the Chamber of Commerce Sussex County Day which is now June 5.

Mr. Martinez reported to follow up on Mr. Limon's' report from personnel, we are looking at the late hours, we are actually looking at staying open until 7:00 on Thursday's to accommodate commuters coming into our town to provide services for them. We are moving forward with the police hires, hopefully we will have something for the next meeting.

Mayor Giordano commented those candidates will have the opportunity to meet with both the personnel committee and the public safety committee.

Ms. Fantasia reported EDC meets this Thursday at 7:00PM, we have two items on our agenda. One is to discuss the NJDCA Main Street Plan and the Zinc Mine recommendation. Ms. Fantasia commented she will have a report for May 24 however, she will be sending that to the Mayor digitally to share on the 24th. Ms. Fantasia will not be present at that meeting.

Mr. Snyder commented with regards to Finance, Monica (CFO) sent him some information, we are going to try and have a meeting with the buildings and grounds and the public works for the 2016 capital projects.

Mrs. McHose reported on the DCA Main Street Planning Grant, the DCA was here they met at the Police Station to assess the needs/size of the Police Station and to review what they can do in the future if we end up moving the Police back to Main Street. It was an exploratory meeting with the Chief to discuss that.

Mrs. McHose commented we are also setting up two additional meetings for them to come back with their staff to talk more about specifics and explained. DCA will also be coming up to look at the former Zinc Mine property. We have provided EDC at the request of the Mayor some background, we have a stack of paper work over the

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years with different things that have come before the town. We also had a call from the owner of the property; who wants to meet with us again and explained.

Mrs. McHose commented she is working on getting a new recreation secretary and following up on personnel matters. We are done with first round interviews with DPW.

Mr. Prol, Esq. gave a back ground/explanation in the bail reform and the AOC.

Mr. Prol commented there is a resolution that he proposed on the walking path; the walking paths bids did come in he prepared a resolution rejecting all bids under a couple of statutory provisions under the local public contract law. The two bids that came in were well in excess of what the estimate and the budgetary amount we set for that. It is the recommendation of Tom Knutelsky, Borough Engineer to reject the bids because of the funding issue as well. Mr. Prol explained the criteria the Council can reject the bids. Mr. Prol commented for the public's knowledge the bids came in at \$148,995 and \$180,000 where the Borough's estimate was eighty six thousand and change. The Council is the deciders.

Mr. Prol commented there is also a resolution appointing Robin Hough as the Clerk, this will be her second term. Mr. Prol commented he wanted to highlight that under the law by appointing Robin here, you are not only acknowledging her good work for several years now but you are also providing her with statutory tenure. Tenure is one of the special categories with other Municipal Clerks around the State. Mr. Prol wanted to explain if anyone had any questions.

Mr. Prol commented he had some back and forth with Richard Ralph on the Habitat for Humanity. Mr. Prol commented he will be sending him a contract tomorrow, it is done.

Mr. Prol commented next week he will be installed as the NJ State Bar President, he appreciated everyone's understanding in the next few weeks as he will be overwhelmed with a lot of things. One of the highlights is a three day meeting down at Atlantic City, we have about twenty seven hundred people coming to the program and one of the highlights of the meeting will be focused on woman's equality and equal rights amendment. Sean Kidd is bringing the Girl Scouts down from our town. We are going to focus on girl power an important issue and also on judicial independence.

Mayor Giordano commented we received certification from the DOT we got our grant for Main Street paving part two in the amount of \$165,000. There is a lot of development that is possibly going to be taking place in Franklin in the next six months to a year. We have a lot of renewed interest in some old properties that aren't being used anymore.

Mayor Giordano commented he believes the Miss Franklin Pageant is this Saturday at the School.

Mrs. McHose commented we had a Boy Scout approach the Council, he would like to volunteer as part of his advancement to a life scout, help rehab the Welcome to Franklin Sign that is in front of Hardyston School. Mrs. McHose spoke to John Geddis who made the sign and what is going to happen is Mr. Geddis has agreed to take the sign down, he is going to sand and repaint it. When the sign is removed the scout is going to paint the posts and he is going to move the picket fence, repaint it and put it in front of the hedges. Mrs. McHose commented he was looking for the Council's ok his work on that. According to Joe Drossel, we do not need a sign permit for that because it is just rehabbing an existing sign.

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Mayor Giordano asked if anyone on the Council had any problems allowing the Scout to do that.

Mr. Dabinett commented he thinks it is a great idea.

Mr. Snyder asked if we could possibly look at the north Welcome to Franklin sign also.

Mrs. McHose commented she did talk to John Geddis about that one as well. Mr. Geddis is going to stagger them, because she didn't want both signs down at once so he will do the one by Hardyston School first then he will work on the other one.

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 received April 25, 2016, from Yut'se O. Thomas, Director, Office of School Finance, NJ Department of Education to Municipal Clerks Re: 2016-2017 Municipal Percentage shares for Tax Levies for Regional School Districts and Districts Merges Pursuant to P.L. 2009, c.78.
2. Letter dated May 2, 2016, from Cynthia Mihm, Secretary to the Board of Recreation to Alison McHose, Administrator Re: Recreation Secretary Resignation.
3. Letter dated May 3, 2016, Joseph A. Birchenough, P.E. Manager, Bureau of Local Aid - District 1 NJDOT to Mayor Giordano, Re: Main Street - Phase 2 Franklin Borough, FY 2016 Municipal Aid Program.
4. Franklin Borough Planning Board Resolution to recommend certain amendment to chapter 161-24,s.Signs; Adopted April 18, 2016.
5. Township of Byram Resolution 87-2016 to Support Sussex County C.L.E.A.R. Program - Community Law Enforcement Additiction Recovery.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for April, 2016.
2. Construction permit activity report for April, 2016.
3. COH report for April, 2016.
4. Construction report for April, 2016.
5. Zoning Officer report for April, 2016.
6. Total of all Liquid flows discharged to upper Walkkill Plant from Franklin Borough for January, February and March, 2016

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for Peddler/Solicitors for Juan Zerna, 325 Main Street Ogdensburg to sell ice cream.
2. Vending machine application for Anytime Fitness, 100 Rte 23, Franklin.
3. Request from Cub Scout Pack 90 to hold their Annual Soap Box Derby to be held on Saturday, June 18, 2016.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 10, 2016.

Mr. Limon made a motion to approve the consent agenda of May 10, 2016. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

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Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION

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

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented on the Habitat for Humanity and asked where the location of the property was. Mayor Giordano explained.

Mrs. Tatka asked if the agreement was going to be three houses.

Mayor Giordano commented they are building two houses and they were possibly going to build a third but they are hopefully going to build two at the same time.

Mr. Prol commented the first version was a draft version. He thinks it will be two homes with a vacant lot in the middle.

Mrs. Tatka asked if the garbage pickup in Franklin Meadows was settled.

Mayor Giordano commented it is. They are having the same garbage pickup you and I have which is once a week.

Mrs. Tatka asked if anyone checked into the corner of Maple. Mrs. McHose explained that is DEP.

Mrs. Tatka asked if anything was settled on the personnel matter when you hired the special hearing officer. Mayor Giordano commented no.

Mrs. Tatka commented she gives Mr. Geddis a lot of credit for redoing the signs and explained why.

Mrs. Tatka commented SCUMA is taking care of reporting the recycling tonnage to the DEP in Trenton, does the town still get the rebate.

Mayor Giordano commented, yes, that is part of the zoning officer's duties, he collects the data for recycling and explained.

Mrs. McHose commented it is actually Darlene Tremont. [who does the recycling tonnage report].

Mrs. Tatka asked what the total police budget was and explained.

Mayor Giordano commented we can get that information for you.

Bob Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen commented on fill, rock and dirt, a good place to get rid of this would be on Nester Street and explained. Mr. Allen commented on the buses down there also. Mr. Allen commented he hopes you put that dog park someplace else besides in the Park that we built for people.

Mayor Giordano commented we will not be putting it in the front part of the pond. 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

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Mr. Limon commented this was held over from a few meetings ago.

Mr. Limon made a motion to adopt resolution 2016-46 awarding raises for non-contract employees. Seconded by Mr. Snyder.

Mayor Giordano commented this is cost of living adjustment, 2% increase and it is budgeted for and this comes from the personnel committee unanimously.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Mr. Limon commented if anybody from the public wants to view this, he has it [copy of the resolution] right here if you want to read it.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for April 26, 2016. (Absent: Mr. Martinez arrived at 8:00PM) Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Limon, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Martinez

Adoption of Ordinance 10-2016

Mr. Rathbun made a motion to adopt Ordinance 10-2016 "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". Seconded by Mr. Limon.

Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 10-2016.

Mr. Rathbun made a motion to open to the public ordinance 10-2016. Seconded by Mr. Martinez. All were in favor.

No one from the public stepped forward.

Mr. Dabinett made a motion to close to the public ordinance 10-2016. Seconded by Mr. Martinez. All were in favor.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Introduction to Ordinance 11-2016

Mr. Rathbun made a motion to introduce an ordinance 11-2016 "AN ORDINANCE AMENDING CHAPTER 161, "LAND DEVELOPMENT". Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Public hearing will be held May 24, 2016.

Franklin Fire Department Raffle License

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Mr. Rathbun made a motion to waive the Borough fee of \$20.00 for the Franklin Fire Department off premise 50/50 raffle to be held July 10, 2016. Seconded by Mr. Dabinett.

Mayor Giordano explained.

Upon roll call vote:

Ayes: Martinez, Rathbun, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Limon, Snyder

Resolution 2016-49

Mr. Limon made a motion to adopt resolution 2016-49 reappointing Robin Hough as Borough Clerk pursuant to the provision of N.J.S.A. 40A:9-133 et seq. Seconded by Mr. Martinez.

Mayor Giordano commented this was a topic of discussion in the personnel committee, he asked to reappoint Robin for her second appointment, that will give her tenure. Mayor Giordano commented she has done a great job and hopes you support Robin.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Public Employer Trust Agreement

Mr. Limon made a motion to approve the Public Employer Trust Agreement between the Borough of Franklin and Brown and Brown, Benefit Advisors for Horizon Healthcare Dental for the period of July 1, 2016 to June 30, 2017, addendum with coverage cost attached. Seconded by Mr. Dabinett.

Mr. Snyder asked why didn't we go for the second year. Mrs. McHose explained it is every two year that it cycles. Mrs. McHose asked Darlene Tremont present in the public to explain the agreement to the Council

Mrs. Tremont explained the two years it is 4% over the course of the two years, you are paying 4% the first year or 4% the second year. This way you are doing 2% with a chance you will only be paying 4% for the second, that is why we go for one year. It was recommended by our broker.

There was a brief discussion.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Snyder

Approval of the New Jersey State Firemen's Association Membership Application

Mr. Dabinett made a motion to approve the application for membership of Johnathan L. Ressor, 37 Woodbine Ave, Franklin, to the Franklin Fire Department as recommended by Fred Babcock, Franklin Fire Department Chief. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Martinez, Rathbun, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Limon, Snyder

Resolution 2016-50

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Mr. Dabinett made a motion to adopt resolution 2016-50 authorizing fireworks display in the Borough of Franklin on July 7, 2016 and July 10, 2016, at the Franklin Pond Recreation Area. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Mr. Snyder commented notification should be made to Chief and Fire Department.

Mrs. McHose commented we will notify the County, Fire Marshal, Local Police and Fire Police for traffic.

Introduction Ordinance 12-2016

Mr. Dabinett made a motion to introduce an ordinance 12-2016 entitled "AMBULANCE CAPITAL PURCHASES, AN ORDINANCE APPROPRIATING THE SUM OF \$20,000.00 FROM RESERVE FOR AMBULANCE EQUIPMENT BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY. Seconded by Mr. Limon.

Mayor Giordano explained the ordinance.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

Public Hearing will be held May 24, 2016.

Discussion on Walking Path Bids

At this time there was a discussion regarding the bids received May 5, 2016, for the proposed Franklin Pond Walking Path. (Two bids and Thomas Knutelsky, Borough Engineer letter dated May 5, 2016, provided in the Council packets.)

Mayor Giordano commented as Mr. Prol discussed earlier in the evening, the town has been working hard on putting together a walking path and revitalizing the pond area as part of our overall plan to help bring a little of family friendliness back into Franklin. Unfortunately the bids came in substantially higher.

Mayor Giordano commented he would like to ask the Council to reject the bids. We will go back and rebid. Unfortunately this will put us out of our projected ribbon cutting at the Carnival but he would still like to have the project done by the end of the year.

Mayor Giordano commented he would like to ask the Council to vote to reject the bids.

Mr. Rathbun asked if we were keeping the same scope of work.

Mrs. McHose commented she spoke to Mr. Knutelsky and the only things that may change is we have calculated a potential bid schedule if you reject the bids tonight that would coincide with the closure of the bridge 631. In the past we were planning to pay up front for the guide rail that was going to be reimbursed by the County. We may be able to coordinate that with the County. That is the only piece that may come out of the bid.

Mr. Dabinett commented we have a resolution prepared by our attorney, he would assume by passing the resolution it would be the same as taking a vote.

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Mayor Giordano commented if you would like we can make a motion to accept resolution 2016-53 rejecting the bids.

Mr. Dabinett made that motion. Seconded by Ms. Fantasia.

There was a brief discussion regarding the bids, Mr. Prol, compared unit pricing in the bids, rebidding for the walking path, time line would be to review bids on May 24, advertized as early as the next day, then a three week period for replies, Open the bids and then come back to the Council, maybe open the walking path sometime in September, guide rail along Franklin Avenue and cost to rebid.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Martinez made a motion to adjourn into closed executive session to discuss **Franklin Meadows**. Motion seconded by Mr. Rathbun. All were in favor.

Mayor Giordano commented we may or may not take action after we come back.

After meeting in closed session, the Governing Body returned to their seats at 8:55 p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

OPEN PUBLIC SESSION

Mr. Martinez 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.

Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked about garbage collection is there a time you can't put it out to in the morning and explained. There was a discussion on bears and the garbage problem.

Mr. Raperto asked if the walking path could be done in house. Mayor Giordano commented the was a good question and explained. There was a lengthy discussion on the possibility of doing the walking path in house.

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

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 9:10p.m., seconded by Mr. Dabinett. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk