

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
August 9, 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. 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."

Mayor Giordano commented he will move ahead to new business at this time, the appointment of a new Councilmember.

Appointment of Council member

At this time, **Mayor Giordano** requested the Borough Clerk to read for the record a letter dated July 30, 2016 from Virginia Littell, Franklin Municipal Republican Committee Chairperson, submitting three names to fill the vacancy for an interim Council Member to fill the remainder of Councilman Martinez's term.

Ms. Hough, Borough Clerk read the letter from Virginia Littell.

The names of the Candidates are:

John Cholminski

Michael Raperto

Stephen Skellenger

Mayor Giordano opened the floor for nominations.

Mr. Snyder made a motion to nominate Stephen Skellenger to fill the vacancy of Councilman Martinez for the remainder of this year. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Limon, Rathbun, Snyder, Dabinett, Fantasia

Nays: None Absent: None Abstentions: None

At this time Ms. Hough, Borough Clerk administered the oath of office to Stephen Skellenger.

Mayor Giordano asked Councilman Skellenger if he would be agreeable to recess to get familiar with the agenda.

Mr. Skellenger commented sure.

Mr. Rathbun made a motion to take a 10 minute adjournment. Seconded by Mr. Dabinett. All were in favor.

The Mayor and Council reconvened at 7:18PM.

COMMITTEE REPORTS

Ms. Fantasia reported the EDC had our meeting, the next meeting planned for this month we are going to take a tour of some of the Zinc Mine property because that is part of what is in Mr. Nelson's presentation tonight. Instead of me commenting on any of that she will leave that up to the Professional [Mr. Nelson]. Ms. Fantasia

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commented on the ad by EDC that will be in the Sussex County Chamber of Commerce Magazine. Ms. Fantasia commented Tri-State Actors Theater is looking for a home; they originally had a proposal to be located in the old Morley Shirt building instead they are being hosted by the Littell Center but this is a temporary situation and explained.

Ms. Fantasia commented the finance committee met on August 3rd at 7:00, it was herself, Mr. Snyder, our CFO Monica and Borough Administrator Alison. The purpose of the meeting was to discuss the spending freeze. The spending freeze was proposed in a finance committee meeting to herself prior to the last Council meeting, the meeting on the 12th. Mr. Snyder was away, Mr. Martinez was not there at that meeting so she was the only member of the finance committee present. Monica and Ms. Fantasia drafted a document that Ms. Fantasia handed out to all the councilmember's at that time. The proposal was due to unanticipated litigation and associated fees, unanticipated legal counsel fees which was not included in the retainer in the amount of the Borough Attorney and anticipated engineering fees which did include fees for projects that have been re-engineered multiple times. At that time we did not take any formal action, prior to the meeting the Mayor had said in an email communication on July 11th, requesting the department heads including the Borough Administrator, head of DPW and Police Department to have to plan for a furlough that would not be full layoffs but instead plan for reduced work hours for employees.

Ms. Fantasia commented after the committee reviewed the most recent revenue budget and the current fund which is the trial balance sheets.

Mayor Giordano commented everyone received a copy of that tonight.

Ms. Fantasia explained what was reviewed. After the review the finance committee's recommendation that a spending freeze is not put in place. We recommend that the current state of the budget does not indicate critical need to reduce work hours of Borough employees, we feel that might have a negative effect on the employees and the potential to effect public safety and well being. Additional and potential of any type of negativity that may accompany a spending freeze, since our committee did such a nice job with the budget this year and keeping things very fiscally tight. We feel that it may send out the wrong message and could have a possibly damaging affect on investors because Franklin Borough has an excellent credit rating. Ms. Fantasia commented the finance committee made the following recommendations and we recommend the following protocol be implemented immediately. For the remainder of the this year no new employees will be hired with the exception of hiring due to the employee nutrition or employee dismissal. We ask the department heads to prioritize the request of purchases of non essential items. The finance committee will have a meeting specifically dedicated to this line item review with the CFO and Borough Administrator during the first week of each month and explained other ways to move forward besides a spending freeze. Ms. Fantasia commented the finance committee also suggest the following: three steps when determining budget for subsequent years we would like a three year average of costs instead of just looking at the prior year. We would also like to see future personnel contracts, we would like the personnel committee to compare that carefully with the prior contracts and also be reviewed by legal counsel when indicated. An end of the year work session will be established with all Council members to identify strengths and challenges present in the current budget. Ms. Fantasia asked Mr. Snyder if he would like to add any additional comments.

Mr. Snyder commented you covered that well. Mayor Giordano thanked Ms. Fantasia for the excellent review of the budget. Mr. Dabinett thanked Ms. Fantasia and Mr. Snyder for all their time and effort they put into this.

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Mr. Skellenger had nothing to report.

Mr. Rathbun reported this Thursday recreation has a regular scheduled meeting. We are going to review everything from the Carnival.

Mayor Giordano commented one of the things we are going to be talking about is the portable docks that recreation had talked about purchasing with the carnival proceeds.

Mr. Snyder commented on the air conditioners not working after 12 years in the meeting room. We need to have a replacement, we have contacted the HVAC contractor. We will need to go out to bid on the air conditioner. The front steps are in the process of being repaired. The cameras and security that we talked about the last several months are going to RFP and we will be taking care of them soon. The Borough garage under the violation of PEOSHA has been done and the garage looks great.

Mr. Limon reported we had a personnel meeting; we discussed about six or seven things, out of those items the administrator will be handling about five of them that she handles in her own work. One of the things is we are looking to send an employee for a class if it is within what is allotted this year in the budget. If that happens we will look at that but everyone was for spending the school for that certification.

Mr. Dabinett reported his committee met, Mr. Rathbun, Mr. Snyder and himself this past Thursday, August 4th. Some of the things we discussed was the property we own by the wells, nobody knew exactly what we had over there. Mr. Dabinett was able to get from our engineer, deeds and find out we own 50 feet surrounding each well. Mr. Dabinett circulated a copy of the deeds to the Council and explained the area the Borough owned. There was a discussion prior to this about extending our water mains but after we review this information he doesn't know how we can go at this point.

Mr. Dabinett commented the other item we spoke about was going out to bid on a new garbage contract. The committee has come up with the following recommendations: go out for a three year contract, 2017-2018 and 2019 with a one year option for the year 2020. We will remove Franklin Meadows from the services provided by Franklin Borough when we go out for bid. We will go back to the Tuesday and Wednesday pickups as we had in the past. The feeling was we could attract more business if we do that as opposed to the one day. The first thing we will ask is a one lump sum bid, which is weekly solid waste and bulk pick up, by weekly recycling on Tuesday's and Wednesday's as per schedule. Solid waste pick up at Franklin School on a daily bases Monday through Friday from September through June while school is in session. We are going to ask for an option on that item and the option would be to exclude bulk pick up. That is when the contractor owns the garbage. The other would be the alternate where the Borough owns the garbage and again it would be weekly solid waste bulk pick up, biweekly recycling on Tuesday and Wednesday as per attached schedule. Solid waste pick up at the Franklin School on a daily basis Monday through Friday from September to June. The option would be as above except for the bulk pick up. Mr. Dabinett and Alison have been working on the bid specs as soon as the specs are completed he would like his committee to look at them, then get them over to the attorney and then the rest of the Council to review.

Mayor Giordano commented the ideal situation would be to have them ready by the first meeting in September possibly the second meeting in September.

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Mr. Dabinett commented another thing we discussed was the equipment that is going to be purchased for DPW, there are three items we included in the capital budget. Mr. VanDenBroek is still getting costs and explained.

Mr. Dabinett commented the last week we lost one of our well pumps on the stand by well. It has to be replaced Mr. VanDenBroek is contacting contractors now there is about 350 feet of well pipe that has to be pulled, a new pump installed and then a well piping be reinstalled again.

Mayor Giordano asked if this was the new back up pump that failed.

Mr. Snyder commented it is only about six years old.

Mr. Dabinett commented the approximate cost about \$6,000.

Mr. Snyder commented he is looking into a warranty on that pump.

Mrs. McHose thanked publically a scout from Troop 90 who rehabited our welcome to Franklin sign near the Hardyston School. He did this as part of his life scout project and thanked him. Mrs. McHose thanked Troop 90 who also had a recent eagle scout ceremony for Joseph Gunderman III. Mrs. McHose attended on behalf of the Mayor and Council and congratulated him.

Mrs. McHose commented the ad in the Sussex County Chamber Magazine is good exposure to over one thousand members of the chamber in addition to that it is circulated throughout the County. This will give the Borough exposure to business and individuals that may be interested in investing in the Borough. Mrs. McHose commented in response to the question as to the certification of classes. Those classes are continuing education credits many of our employee's have certification from the State of New Jersey and they have to keep up with that. We also have the possibility of one or two other employees that are looking to take a class she will be working on that with the personnel committee.

Mr. Bolcato, Esq. had nothing to report.

Mayor Giordano reported recreation did very well with the Carnival this year. Hopefully recreation will be purchasing a floating dock for the pond. There are a lot of building projects that are basically ready to hit various Boards in town. They are good projects for the town there are a couple of areas in town we need to address. The bridge is coming along well, it looks as though they are waiting for the new bridge to come in. The police have been patrolling various roads in town for trucks and Evans Street to cut down on the speeding.

Mrs. McHose asked to move to the addendum because professional Ken Nelson is here for the presentation.

ADDENDUM

Redevelopment and Rehabilitation Studies

Mr. Rathbun read discussion and authorization of a request to the Planning Board and Ken Nelson, Planner to prepare and recommend to the Council updates on the following areas of Redevelopment and Rehabilitation:

Area A, Zinc Mine and related Properties. A proposed Area in need of Redevelopment.

Area B, Main Street - From Borough Hall to Hudson Street. A proposed area in need of Rehabilitation.

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Area D, An Area in the vicinity of the Route 23 Corridor in the Southern part of the Borough.

Mr. Nelson, Borough Planner, commented the first two areas mentioned Main Street and the Zinc Mine Properties are connected because of their physical proximity to each other. About four years ago the Council had asked the Planning Board to look into whether those two areas could be designated, the Main Street area designated as Rehabilitation and the Zinc Mine area a designated as a redevelopment area. The Planning Board prepared two reports one on each location sent it to the Council and for a number of reasons the Council didn't act on it. It is important those two areas be designated however, because of the time that has passed it has been recommended by the attorney's the Council again request the Planning Board to look into it and send a report or recommendation to the Council. There isn't that much work involved basically the reports that were down four years ago will be simply reissued but he has to look at those two areas to make sure there hasn't been any significant changes that would change any of the recommendations for the Planning Board.

Mr. Nelson commented the third area what we refer to as the former Franklin Hospital site, the current property owner has requested the Council and the Planning Board look into whether that site could be designated as a redevelopment area. Again, four years ago that site was included as part of a report that was done for a number of properties in that area including the Franklin Diner and some other adjoining properties and the Hospital site. However, four years ago the Planning Board recommended the Hospital site not be included in the proposed redevelopment area for that section of the Municipality. In the four years that have past there has been some extenuating circumstances that now suggests that the Hospital site could be considered as a redevelopment area and the Planning Board should be requested to look into that if the Council wants to move in that direction. Then the Planning Board would then make a recommendation to the Council. Some work has been done in connection with that property so it is not like starting [from the beginning]. This will take more time than will be required for the Main Street and the Zinc Mine property areas.

Mayor Giordano commented this is not going to be a complete restudy just a refresher. Mr. Nelson commented A and B are a little fresher than the third but yes, you are correct.

Mr. Limon commented this is only a recommendation for the referral to the Planning Board.

Ms. Fantasia commented the EDC strongly recommends the Council move forward with this.

Mr. Dabinett commented since 1977 when that Zinc Mine property blew up, nothing has happened it has been almost 40 years, it is time somebody took action and move on it.

Mr. Rathbun commented he is in agreement that we should move forward because these are all properties that make our town look blah.

Mr. Snyder commented he too would like to see this move forward, it has been awhile, time goes so quickly, we need to continue on with it.

Mayor Giordano commented can we have a roll call vote to send/refer this to the Planning Board.

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Mr. Rathbun made a motion to move this to the Planning Board. Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION

Mr. Dabinett 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 he is here as a cheerleader for our town. Mr. Durina commented on moving forward regarding the negative comments on our town and gave an example of a few years ago when the Borough had a lot of negative comments on social media. Mr. Durina explained how the negative comments affect our property values and explained. Mr. Durina read a sign he received from his grandson for Father's Day. Mr. Durina commented on this year being a tough year for Franklin and explained why. Mr. Durina read an article written by Wayne Fisher that was in the Star Ledger on July 31, 2016.

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka asked about the certification because when you [the Council] say something up here you are only saying the tip of the iceberg. Who wants this certification, what kind of certification, she thinks the tax payer has a right to know and are these certifications necessary of the job or something the employee decides they should have.

Mayor Giordano commented the employees don't decide whether they go to school or not. For truth, fairness and transparency we were looking to possibly send a person to get the first steps towards getting their Clerk's license. The reason why is because the personnel committee has noticed we may need a Deputy Clerk, now we eliminated that position a few years and it has been working ok but one of the responsibilities of the clerk is custodian of the records, that entails tons of work for OPRA. Every time somebody puts in an OPRA request in the Clerk drops what they are doing, that's it they don't do anything more, that means marriage licenses don't get processed and all the other records that the Clerk would normally attend to. These are things they are bound to by the duties of the State. They are the only people that can complete these certain jobs.

Mrs. Tatka commented that is the detail that should have been given not just saying a certification.

Mayor Giordano commented we don't go out of our way to send people to school for no reason, we do budget for schooling and we do encourage people to go to school if it would benefit the Borough. But we are also contemplating some other things on top of school which we haven't really come to a decision on, the personal committee just talked about it this evening.

Mrs. Tatka commented we should be told who and what. Mayor Giordano commented he can't give people's names out. Mrs. Tatka commented on open government. Mrs. Takta commented if you are spending tax payers money it should become public information.

Mrs. Tatka commented on the gas tax and the meeting on the gas tax by Senator Oroho. Mayor Giordano explained the meeting.

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Mrs. Tatka asked about the redevelopment studies and the number of times the Borough has spent money doing this and it all comes down to not having the money to do this. How much money did this study cost?

Mayor Giordano commented we are looking at the old studies we are not doing a complete restudy.

Mrs. Tatka commented on a smart car for the police department and explained. Mrs. Tatka asked how much was paid to Mr. Ursin regarding the Franklin Meadows issue. Mayor Giordano commented we don't have a final bill yet. Mrs. Tatka commented on a default notice given to Sussex Bank and the Historical Society, was there any action on that. Mayor Giordano commented that is a subject for executive session today.

Robert Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen commented and read part of an article reading the closing of the Zinc Company. Mr. Allen also commented on EDC walking the Zinc Mine Property.

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. Dabinett. All were in favor.

Mayor Giordano asked Ms. Fantasia if she wanted to move the consent agenda.

Ms. Fantasia commented she does request the consent agenda be voted on after our executive session.

Mayor Giordano asked the Council if anyone had a problem with that.

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of the Minutes

Mr. Skellenger read a motion is in order to approve the regular meeting minutes for July 26, 2016. (Absent: Ms. Fantasia).

Mr. Limon made a motion to approve the regular meeting minutes for July 26, 2016. Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Limon, Rathbun, Snyder, Dabinett

Nays: None Absent: None Abstentions: Skellenger, Fantasia

Discussion on Garbage Bid

At this time there was a discussion regarding a garbage bid.

Mayor Giordano commented we went over this in Mr. Dabinett's committee report. Basically the Borough is honoring its commitment from Franklin Meadows, we are going to rebid the contract as we agreed. Mayor Giordano asked Mr. Dabinett to go over what he did before [in his committee report]. Mr. Dabinett explained again what he reported in his committee report at the beginning of the meeting.

Mrs. McHose commented to clarify when you said we were not in a contract with Franklin Meadows, it was in the settlement document.

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Mayor Giordano commented for the record the only change to the contract is going to be the days of pick up and the exclusion of Franklin Meadows, we are still going to have the recycling pick up, we are still going to have leaf and brush pick up; the same as what we do now. At the time we entered into the agreement in June, 2015, SCUMA has introduced flow control into their spectrum of being and going back to the two days a week actually make a lot of sense for the Borough and haulers and explained.

There was a discussion on the two day a week pick up, bulk pick up, what would be the alternative to bulk pick up, possibly using the DPW employees to do the bulk, sticker system for bulk pick up, rates for the different types of garbage, difference between lump sum and reports by the hauler driver.

Mayor Giordano commented we will work on the bid specs for the next meeting.

Resolution 2016-77

Mr. Skellenger made a motion to authorize the Tax Collector to refund Ronald and Emma Hilbert, 18 Cummins Street, Block 1004 Lot 23.01, \$108.54 for June 24-30 of the 2nd quarter taxes, and \$1,622.86 for the 3rd quarter taxes and cancel the 4th quarter taxes due to the Department of Veteran Affairs' certification of permanent disability effective June 24, 2016. Seconded by Mr. Rathbun.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Appointment to the Planning Board Class III

Mr. Skellenger read at this time, the Council shall, by motion, select a representative to serve on the Planning Board as a full Member Class III (1yr.)

Member Class III	Councilmember
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(This is to replace Councilman Martinez position as Class III member to the Planning Board.)

Mr. Dabinett made a motion to place Ms. Fantasia on the Planning Board to fill that vacancy. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2016-78

Mr. Skellenger made a motion to award the contract for the proposed resurfacing of North Rutherford Ave to Smith-Sondy Asphalt Construction Co., Inc., in the amount of \$197,721.71 per the recommendation of Thomas Knutelsky, Borough Engineer letter dated August 4, 2016. (Borough Engineer letter dated August 4, 2016 is provided in the Council packets.) Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Rathbun made a motion to adjourn into closed executive session to discuss litigation matters. Motion seconded by Mr. Snyder.

Mr. Bolcato commented this is for Four Winds Litigation and attorney client privileges.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:51p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

OPEN PUBLIC SESSION

No one from the public addressed the Council.

CONSENT AGENDA

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

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 1, 2016 from Robin Hough, RMC/CMR to Dr. Michael Ramieri, DVM Re: Franklin Borough Rabies Clinic.
2. Resolution of the Borough of Bloomingdale, County of Passaic, State of New Jersey supporting Senate Bill S2440 that exempts construction, expansion, or renovation of building or structure owned and used by Municipality or Volunteer Fire Department from "Highlands Water Protection and Planning Act".

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Officer Report for June, 2016.
2. Construction Permit Activity Report for July, 2016.
3. Construction Report for July, 2016.
4. COH Report for July, 2016.
5. Tax Collector Report for July, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 9, 2016.

Mr. Limon made a motion to approve the consent agenda of August 9, 2016. Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Snyder commented he had two items to talk about. We talked about recreation as far as the area at the park where the rides were. We need to do a little TLC in that area where the grass is overgrown in the kiddy park.

Mayor Giordano commented we need to replace the mulch in there as well.

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Mrs. McHose explained what was discussed this week with Mr. Vandebroek and herself regarding the park.

There was a discussion on the kiddy park.

Mr. Snyder commented the LOSAP program, we were going to move forward with that. Ms. Hough explained it is 81 days prior to the General Election to submit the question.

The LOSAP program was discussed, the Borough was going to model Hardyston LOSAP program, support for the program, have LOSAP on the work session for the end of the year agenda, we will need public support, there is no way to have this completed in the time frame needed and to contact the Walkkill Valley First Aid Squad and Fire Department and have a subcommittee to work on LOSAP.

Mayor Giordano commented to have Mr. Skellenger on the committee.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Dabinett made a motion to adjourn the meeting at 10:05p.m., seconded by Mr. Rathbun. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk