

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
SEPTEMBER 25, 2018**

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. Crabb, Ms. Fantasia, Mr. Limon, Mr. Postas, Mr. Skellenger, 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, 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, 2018, and posted on the Borough website, which adequate notice has been certified by the Clerk."

**PRESENTATIONS**

There were no presentations for this meeting.

**COMMITTEE REPORTS**

Mr. Limon commented October 11, 2018, is a joint EDC meeting with Hardyston Township being held here at Franklin Borough at 7:00PM.

Mr. Postas commented recreation has been working hard preparing for the carnival this weekend and they are hoping for everyone's support. Mr. Postas stated Administrator McHose will be commenting on some figures for the cost of opening the pond during her report. Mr. Postas also commented on the status of the ordinance for keeping chickens, one item being discussed is how to handle those who own chickens that are property owners and those who are renters.

Mr. Snyder had nothing to report.

Mr. Crabb commented on the progress of the Neighborhood House, punchlist items, and various future meetings that would help with what may be needed to move forward with the project.

Mr. Postas commented on the Neighborhood House suggestion responses from residents and the importance to have some input as we move closer to the actual planning and the design of the building. Our vision is to have the Neighborhood House be a multi-generational building serving seniors, children and the in between.

Mayor Giordano commented the Neighborhood House can be a large part of a Main Street revitalization.

Mr. Crabb commented the Mineral Museum is very interested in meeting with the Borough and working together on various projects.

Mr. Postas commented the current Council is willing to invest in this town, but we need the support of the residents. Our main objective is to use available resources to us such as grants to fund this project, it won't impact our taxes.

Mr. Skellenger commented there wasn't a regular Public Utilities meeting, Mr. Postas and I met to interview the DPW candidates which are on the agenda tonight.

Ms. Fantasia questioned the issues regarding renters and owners being discussed for the ordinance for the chickens and other type animals. Ms. Fantasia commented Personnel met on September 20, 2018, to discuss the new DPW hires and Chief McInerney's separation agreement, all of which are on the agenda this evening. Ms. Fantasia also commented Finance met and went over the collections rates, we are on track, the numbers are good. There is a new Local Finance Board notice coming

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out regarding paid sick leave, Monica, CFO will prepare a memo to explain how it will impact all part time and full time employees of the Borough. Lastly, they reviewed the potential purchase of a sewer jet machine, this has been discussed for a few years with Brian VanDenBroek, the cost is approximately \$63,000 that would come out of the approximately \$100,000 capital reserve (fund). The current machine the Borough uses is obsolete, it is a need not a want. Monica has been directed to research and bring the final purchase information to the Council for a vote.

Administrator McHose commented on the current events of this week, the carnival on Thursday, Friday, Saturday and Sunday, the Mineral Show this weekend and Home Coming for Walkkill Valley High School on Friday night at Walkkill. Administrator McHose supplied preliminary numbers for the pond opening, \$22,000 came out of the recreation capital fund, of that number \$15,000 were start up costs that won't be needed again next year. The sale of badges generated \$7,000 with the anticipation of an increase in badge sales for next year because we will start selling earlier with a longer swim season. Administrator McHose also commented the success of the carnival is crucial to help replenish the recreation capital fund. There will be after action meetings after the carnival to go over both the pond opening and the carnival.

Mayor Giordano commented on the one-time costs associated with the opening of the pond. Mayor Giordano announced the carnival is Thursday and Friday from 6:00PM-10:00PM, Saturday, 2:00PM-10:00PM and Sunday 2:00PM-8:00PM with fireworks on Friday and Saturday evenings. There will be a hot air balloon on Saturday, 5:00-7:00PM, mega passes can be purchased on-line at Campy's until Thursday. Volunteers are still needed, anyone interested please let us know.

Mr. Ursin commented he and Administrator McHose met with the Highlands Council to discuss some development issues in the Borough and to meet the new executive director of the Highlands Council. Mr. Ursin felt the Highlands Council indicated a real willingness to work with the Borough on future development. Mr. Ursin stated it is apparent to him that the pathway to a lot of development is going to go through the Highlands Council, if we don't work with them and use their resources it will really limit the development in the town. Franklin Borough is only one of two municipalities not working with them. There are many benefits to working with them such as opening up grant money, planning grants, economic development grants and gives us much insight to what type of development can be done, streamlining many procedures. Mr. Ursin recommended to consider working on the plan conformance process with the Highlands Council. Participation is whatever we choose, we can work with them a little for information, participate in it half way or participate in it to completion and can always opt out whenever we want, there is nothing permanently binding the Borough by it. Mr. Ursin asked the Council if they would be interested, he and Administrator McHose can contact them and they would be willing to come to a future Mayor and Council meeting and make a presentation. Mr. Crabb questioned if this would help only those properties within the Highlands areas. Mr. Ursin commented yes that is correct and explained how the process would work. Mr. Limon commented on past communication that the Borough has had with the Highlands Council. Mr. Ursin explained additional benefits in working with the Highlands Council, permit processes, NJDEP and how the Highlands Council has changed their outlook on rules and regulations over the years.

After a discussion continued on the Highlands Council, the Council recommended Administrator McHose to schedule a date with the Highlands Council to come to a Council meeting and make a presentation.

### **OPEN PUBLIC SESSION**

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

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on the Highlands Council discussion and expressed his concerns when hearing the word "political". Mr. Durina also commented on the second public session being

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removed from the agenda. Mr. Durina questioned if the 3 new hires on the agenda for the DPW positions are Franklin residents.

Lindsay Campbell, President of the Sussex County Chapter of the National Organization for Women, Stanhope, NJ stepped forward. Ms. Campbell read a statement regarding a Facebook posting on Councilman Postas' Facebook page that was brought to her attention by Cheryl Krouse. Ms. Campbell commented on the current hearings of Supreme Court nominee Brett Kavanaugh and the alleged sexual abuse allegations against him as it relates to the posting on Facebook. The posting may have been meant to be funny but it was disrespectful to women. Ms. Campbell also commented on freedom of speech and the responsibilities of elected officials when it comes to social media. Ms. Campbell requested an apology from Mr. Postas to all, especially survivors.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka questioned the costs for the opening of the pond. Ms. Tatka commented on the voting of the 517 project, posting of political information on the Borough's website and the raises for the Franklin Borough Police Department.

Zoe Heath, 3 Village Way, Vernon, NJ stepped forward. Ms. Heath questioned what constitutes an apology from an employee of the Borough or the Borough itself. Mr. Ursin requested clarification and explained.

Patty Carnes, 289 Rutherford Avenue, Franklin stepped forward. Ms. Carnes commented on numerous illegal left-hand turns at the intersection of Mitchell Ave. & Rutherford Ave. Ms. Carnes voiced her concerns for the safety of pedestrians there and if something can be done to address the situation. Mayor Giordano commented he will alert the police department.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on safety issues to students regarding vehicles passing buses that have their flashing lights on when picking up students on Munsonhurst Road.

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. Skellenger. All were in favor.

### OLD BUSINESS

Ms. Fantasia commented on social media policies, free speech and asked everyone to use discretion when using social media.

Mayor Giordano stated to please use caution when using Facebook or social media, it can be used against you, make your pages private.

Administrator McHose commented on DOT grant applications for paving. Mr. Knutelsky needs direction as to which roads to include in the applications.

Mayor Giordano commented the application deadline is October 5, 2018, Mr. Knutelsky had recommended in his report, Mitchell Road as most in need and is asking the Council to choose the second and third most in need between Taylor Road or Scott Road.

Mr. Limon made a motion to have Scott Road paving as the second grant application after Mitchell Road. Seconded by Mr. Postas. All were in favor.

### CONSENT AGENDA

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

### CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Ordinance from the Township of Sparta amending Chapter 18 entitled "Comprehensive Land Management Code of the Township of Sparta" to amend

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the zone map to add a new district to be known as the “Planned Commercial-Economic Development (PCED District)”.

2. Resolution from the Sussex County Board of Chosen Freeholders expressing their opposition to the Legalization of Recreational Marijuana by the State of New Jersey.
3. Resolution from the Township of Frankford supporting an increase in the Local Public Contract Law bid threshold.

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

1. Police Department Report – August 2018
2. Municipal Court Report – August 2018

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

None filed.

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

1. Payment of bills for the meeting of September 25, 2018.

Mr. Limon made a motion to approve the consent agenda of September 25, 2018. Seconded by Ms. Fantasia

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for September 11, 2018. (Absent: Limon) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon

Ms. Fantasia commented she has some questions on item 2 of the agenda and not sure if it warrants discussion in public or executive session. Mr. Ursin explained the differences in the questions she might have.

Ms. Fantasia made a motion to table item 2, the cell tower lease consultant to the next meeting. Seconded by Mr. Crabb.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Franklin Fire Department Request

Mr. Skellenger made a motion to approve a request from the Franklin Fire Department regarding millings and other needed construction materials from the Franklin Road Department for the construction of an extraction training area. Seconded by Ms. Fantasia.

Mayor Giordano explained the request.

Upon roll call vote:

Ayes: Fantasia, Postas, Skellenger

Nays: None Absent: None Abstentions: Crabb, Limon, Snyder

DPW Laborer New Hires

Mr. Skellenger made a motion to approve the hiring of three DPW laborer positions effective October 15, 2018 as recommended by Administrator McHose, Brian VanDenBroek, DPW Manager, Public Utilities Committee and the Personnel Committee. Seconded by Mr. Limon.

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Steven Fuchs	Step 4, full time laborer/mechanic	\$20.96/hr.
Nicasio Ciaccio	Probationary, full time laborer	\$17.46/hr.
Edward Babcock	Part time laborer	\$12.00/hr.

Administrator McHose explained the three positions.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**Resolution 2018-86**

Mr. Postas made a motion to adopt resolution 2018-86 authorizing the water and sewer collector to remove the excess gallonage and be relieved of collecting \$1,493.48 from the account for the property located at 17 Fox Hill Drive also known as Block 2804 Lot 7. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**Resolution 2018-87**

Mr. Crabb made a motion to adopt resolution 2018-87 supporting Bill No. S-1959/A-3594 designating "Franklinite" as the official mineral of the State of New Jersey. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**Resolution 2018-88**

Mr. Postas made a motion to adopt resolution 2018-88 authorizing the Borough Clerk to renew the following liquor licenses for the 2018-2019 licensing term. Seconded by Mr. Crabb.

Plenary Retail Distribution

1906-44-003-009 The Williams Family Deli, LLC

Plenary Retail Consumption

1906-33-04-06 Sullivan's Gas Light Inn

(These licenses obtained the required special ruling from the Division of Alcoholic Beverage Control which is provided in the Council packets.)

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**Resolution 2018-89**

Mr. Skellenger made a motion to adopt Resolution 2018-89 person to person, place to place transfer of liquor license 1906-44-003-009 issued to The Williams Family Deli, LLC to Jersey Innovative Investments, LLC for premises located at Shop Rite Plaza Shopping Center, 288 Route 23, Franklin, NJ (Application and documents filed with the Borough for the person to person, place to place transfer provided in the Council packets.) Seconded by Mr. Limon

Mr. Snyder questioned who is responsible for the completeness of the application.

Darlene Tremont, Acting Clerk explained the application procedure.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Mayor Giordano commented we will come back to item 9 on the agenda after executive session. Mayor Giordano also commented he will add a second public session to the meeting.

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**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Skellenger made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Ms. Fantasia. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:11p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Skellenger made a motion to return from executive session. Seconded by Mr. Postas. All were in favor.

**Chief McInerney Separation Agreement**

Mr. Crabb made a motion to approve a separation agreement for Chief McInerney effective January 1, 2019. Seconded by Mr. Skellenger.

Mayor Giordano commented a correction will be made, there is a typographical error in paragraph E referencing paragraph E and should be referencing paragraph D as noted by Mr. Crabb.

Mr. Crabb amended his motion as described by Mayor Giordano. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Postas, Skellenger

Nays: None Absent: None Abstentions: Snyder

**OPEN PUBLIC SESSION II**

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

No one stepped forward who wished to address the Governing Body, Mr. Crabb made a motion to close the meeting to the public, seconded by Mr. Postas. All were in favor.

**MISCELLANEOUS COMMENTS**

Mayor Giordano commented there are some conflicts with the next scheduled meeting on October 9, 2018 and would like to ask if the Council agrees to move the next Council meeting to Wednesday, October 10, 2018.

Mr. Crabb made a motion to move the next Mayor and Council meeting to October 10, 2018. Seconded by Mr. Skellenger. All were in favor.

**ADJOURNMENT**

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

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Nicholas Giordano, Mayor

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Darlene J. Tremont, Acting Municipal Clerk