

**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
June 23, 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. Dabinett, Mr. Giordano, Mr. Limon, Mr. Martinez, Mr. Snyder, and Mayor Crowley.

Absent: Mr. Babcock

Mayor Crowley led the assembly in the flag salute.

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."

SERVICE ELECTRIC CABLE TV HEARING

Mayor Crowley asked if anyone from the Council had any questions.

Mayor Crowley requested a motion to open the meeting to the public, for any comments or questions regarding the SECTV application for renewal of its municipal consent to own, operate, extend and maintain a cable television and cable communications system in the Borough of Franklin.

Mr. Dabinett made a motion to open to the public for any comments or questions regarding the SECTV Franchise application. Seconded by Mr. Snyder.

No one from the public stepped forward.

Mr. Snyder made a motion to close to the public for any comments or questions regarding the SECTV Franchise application. Seconded by Mr. Martinez.

Michail Meliti, Esq. from Arturi, D'Argenio, Guaglardi & Meliti LLP representing Service Electric Cable Television, stepped forward. Mr. Meliti explained we are here tonight as part of the renewal process, a 36 month total process, culminating with this public hearing as well as now an enacting of an ordinance hereafter. We are here tonight seeking the renewal of the Franchise, the Franchise is for a period of 10 years to be renewed upon expiration. The previous expired in 2005 thus why we are here tonight in 2015, we just finished a 10 year renewal period as well. Mr. Merliti introduced other representatives that were in their seats. Mr. Merliti explained their services and connections throughout the Borough in the past

There was a discussion on the Franchise renewal, application was submitted to the Clerk, Senior Center connection, digital phone service available for the Borough, 29 miles of build out, complimentary service for Borough Hall, there was a reason the last time we went through this process why Borough Hall was not connected, build out zones, cable and internet services, what does the Borough get for this Franchise, 2% of the sales the Borough receives which is a standard amount in the State of New Jersey and providing all residents the service even if they are not in a build out.

PRESENTATIONS

Thomas Knutelsky, Borough Engineer stepped forward to discuss Franklin Pond Improvements.

Mr. Knutelsky commented our survey and mapping is complete for the existing conditions on the site so we know exactly what to expect around where the path is proposed to go. Mr. Knutelsky explained a meeting he had with Alison McHose, Borough Administrator and Bill Koppenaar, from the County to discuss the path and

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how it related to Franklin Ave. Mr. Knutelsky commented Mr. Koppenaar preferred to keep the guide rail closest to the roadway, have a four foot shoulder and have the pedestrian way behind that guide rail. The County agrees the guide rail has to be replaced; as part of the future process of this path we will enter into an agreement with the County for them to actually do the guide rail replacement. The County has the work force to do the guide rail replacement themselves Mr. Copinal informed him they are so backed logged with work right now as part of this agreement they would venture into a reimbursement. We have to go out to bid for the project for it to be completed the guide rail would be in that bid process. The Borough would fund the money to go for the guide rail replacement then the County would refund us as part of that agreement. Mr. Knutelsky commented it is actually called a pedestrian way design construction operation maintenance agreement.

Mr. Knutelsky continued to explain the guide rail area and answered questions, There was a discussion regarding the telephone poles and relocation of the telephone poles.

Jackie Espinoza from JCP &L was present for the discussion on relocating the poles.

There was a discussion on the costs of paving the path, costs to move a pole, material for the path, total costs of the project, lighting or benches along the path.

Mr. Knutelsky used plans to explain the paths and path slopes.

There was a discussion on the area by the recreation sign, DEP issues, storm water management and width of the path.

Mayor Crowley asked Mr. Ursin if the Council should take action to proceed.

Mr. Ursin commented this was on the agenda for discussion tonight, it's on the agenda for discussion; you can take action to authorize him [Mr. Knutelsky] to take the next step to prepare bid documents that was within the scope of what was on the agenda.

Mr. Martinez made a motion to authorize Mr. Knutelsky to go to the next step with the pond path. Seconded by Mr. Giordano.

The discussion continued on parking and the path.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported last night we met with the FOP, we are in negotiations; we have future meetings set up. Hopefully, we will have results shortly.

Mr. Giordano reported recreation is working very hard on Franklin Night [Carnival]; we had a very successful fund raising from several sponsors. Mr. Giordano reported the signs are here, they came out great. The signs will be put up around town in the next few days.

Mr. Snyder had nothing to report.

Mr. Martinez reported he [spoke] to Joe Drossel [Zoning Officer regarding], the corner of Walgreens on Route 23, one part of the sidewalk is a foot and a half higher

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than the rest of the sidewalk. Mr. Drossel is going to look at this issue to see how they are going to resolve that item.

Mr. Dabinett reported tonight we are going to pass an ordinance on the garbage contract. Looking at our present garbage ordinance it may need to be adjusted a little bit. Once this ordinance is passed he will meet with Alison and Monica to discuss the ordinance.

Ms. Hough, Clerk reported ABC has changed their way to renew liquor licenses. There is a new on line system POSSE ABC, they want everyone to go on line now to renew their licenses. The licensees and Clerk's are getting used to the system. The Clerk's office is also working on food handler licenses for the Borough which are to be renewed by the end of the month; so far 29 have been issued. Ms. Hough reported she has been working with recreation and County for special event [food licenses].

Mr. Ursin, Esq. had nothing to report. Mr. Ursin requested an Executive Session to discuss the Hopkins litigation and another possible litigation.

Mrs. McHose reported on the meeting with the County engineer regarding the path. Mrs. McHose reported she met with the DPW Supervisor to review the application for the DPW position. They conducted interviews and are in the process of scheduling second interviews now.

Mrs. McHose reported she met with Chief McInerney to do the same, review all the applications for a probationary police officer and we are scheduling interviews right now.

Mrs. McHose reported on a safety meeting with all of the department heads and our insurance carrier. Mrs. McHose is pleased to announce we received a very strong rating and discussed continued training which is available to both employees and supervisors.

Mrs. McHose commented the garbage bid was opened on Friday, June 12; only one bid was submitted. There are minimal changes to the service; post cards with the changes will be mailed out in the near future. The new contract will go in effect July 1, 2015.

Mrs. McHose reported she is working with recreation to finalize the Carnival details. We ask residents to attend and bring friends and relatives.

Mrs. McHose reported the demolition of the building is almost complete.

Mrs. McHose reported Taco Bell is moving forward; they anticipate being opened before the end of the summer and Walgreens is hoping for the same.

Mayor Crowley commented we will bring Mr. Rathbun up under old business to discuss the Carnival.

OPEN PUBLIC SESSION

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

No one from the public stepped forward.

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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. Snyder. All were in favor.

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. The Borough of Laurel Springs Resolution 068-2015 Supporting Assembly Bill A-4235.
2. Resolution from the Board of Chosen Freeholders Regarding Preliminary Adoption of the Sussex County Wastewater Management Plan Update and Amendment to the Sussex County Water Quality Management Plan.
3. Adopted Resolution from the Board of Chosen Freeholders Authorizing the placement of a Public Question on the Official Ballot for the General Election on November 3, 2015 concerning a proposition authorizing the County of Sussex to continue a Trust Fund in order to acquire lands for Farmland Preservation, Recreation and Open Space purposed pursuant to N.J.S.A. 40:12-15.1 ET, SEQ.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department Report for May, 2015.
2. Municipal Court Report for May, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 23, 2015.

Mr. Limon made a motion to approve the consent agenda of June 23, 2015. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

OLD BUSINESS

Mike Rathbun, Chairman of Recreation, stepped forward to discuss the Franklin Carnival.

Mr. Rathbun commented the signs came in today, we are going to take one of them to give to Braen [Aggregates] for the \$5,000 donation they gave to the Borough.

Mr. Rathbun met with the Carnival [company representative] last week at the pond. They were originally going to bring in 10 to 12 rides now he wants to bring in 14 rides. There will be a ticket booth and we are looking for volunteers in the ticket booth or help sell hamburgers. Mr. Rathbun gave details on the rides, dumpsters, rides will be brought in starting Sunday night at the DPW garage, the set up will be Monday and Tuesday and all rides will be set up by Wednesday. Mr. Rathbun commented vendors will start setting up on Wednesday.

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Mr. Giordano commented aside from the donation from Braen, Shop Rite donated \$1,000, Sussex Bank and Eastern Propane has donated. The donators have been very generous.

Mr. Rathbun commented they have 17 vendors and 7 of them are food. We are still looking for vendors. Fireworks will be on Thursday, July 2 at 9:00.

Mr. Giordano commented this is the first time the Carnival is going to be back to Franklin in a very long time. We are taking very ginger steps and really trying to make this a soft first year so that we have the learning experience for next year and the years after. We have learned lessons on gaming trailers.

There was a discussion on police, someone from the Carnival staying at the carnival and responsibility of security.

Mayor Crowley commented good luck with this, everyone is looking forward to it.

NEW BUSINESS

Mayor Crowley commented there is a typo, the minutes are for June 9, not June 23.

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for June 9, 2015. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

Adoption of Ordinance 7-2015 Bond Ordinance

Mr. Snyder made a motion to adopt ordinance 7-2015 "BOND ORDINANCE APPROPRIATION \$379,300 AND AUTHORIZING THE ISSUANCE OF \$227,300 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Dabinett.

Mayor Crowley asked the Council if anyone had any questions.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 7-2015.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

Resolution 2015-54 Tax Refund

Mr. Snyder made a motion to adopt resolution 2015-54 authorizing the tax collector to refund Bruce J. Stavitsky, Esq. for the benefit of Commerce Bank/TD Bank Tax Dept in the amount of \$5,076.15 due to State appeal granted for tax year 2013. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

Resolution 2015-55 Member Participation in a Cooperative Pricing System

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Mr. Snyder made a motion to adopt resolution 2015-55 authorizing the Borough of Franklin, Sussex County, New Jersey to enter into a Cooperative Pricing Agreement. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

Resolution 2015- 56 Awarding Solid Waste and Recycling Bid

Mr. Snyder made a motion to adopt resolution 2015-56 Awarding a Bid Pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 ET SEQ. and N.J.A.C. 7:26H-6.7 for Solid Waste and Recycling Collection. Seconded by Mr. Giordano.

Mrs. McHose explained the biggest change will be no construction pickup and the bulk once a week. We are going to try one day of garbage pickup for the whole town. Recycling will be every two weeks; it will be either Tuesday for Recycling and Wednesday for garbage. It will be the whole town in one day there won't be a split in the town. Those are the big changes otherwise it is pretty much the same. The bid pricing went up a little from four years ago but it wasn't tremendously raised.

Mr. Dabinett commented this is a contract for four and a half years by doing so we are able to get better prices.

Mr. Snyder commented for everyone that is being picked up on Tuesday now will have to adjust their schedule to Wednesday and the time they will be coming out to pick up the garbage.

Mrs. McHose commented part of the new bid spec was also a start time of 7:00am versus 6:00am because we had many complaints from the north side of Rutherford Ave. where sometimes they would come before 6:00 and people were missing the pickup. This will be an adjustment that is part of the reason for the post card. Mrs. McHose commented she will have to talk to Blue Diamond about the timing.

Mr. Dabinett commented that is one thing in the ordinance that will have to be adjusted.

Mayor Crowley commented the later start time would help with the bear population.

There was a discussion regarding getting the word out of the changes to the residents.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

Resolution 2015-57

Mr. Snyder made a motion to adopt resolution 2015-57 Authorization to Provide for the Purchase of a Police Vehicle. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez

Nays: None Absent: Babcock Abstentions: Snyder

EXECUTIVE SESSION

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In accordance with the provisions of the Open Public Meetings Act, Mr. Dabinett made a motion to adjourn into closed executive session to discuss legal matters; Hopkins litigation and a potential litigation. Motion seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Dabinett, Giordano, Limon, Martinez, Snyder

Nays: None Absent: Babcock Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:29p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Giordano commented on the past several weeks being difficult and expressed his condolences publically for the loss of your grandchild.

Mayor Crowley thanked him and everyone, it was a tragic loss.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 8:31p.m., seconded by Mr. Martinez. . All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk