

**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
November 24, 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 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."

COMMITTEE REPORTS

Mr. Dabinett reported Alison [McHose] and I had some discussions in regards to our fee schedule here in the Borough, she will have more to report in her presentation. The only area he is concerned about is our recreation area down at the Franklin Pond; we need to take a serious look at some of the fees involved down there.

Mr. Martinez had nothing to report.

Mr. Babcock had nothing to report.

Mr. Snyder reported we had a finance meeting two weeks ago; the CFO put a freeze on spending, we need to have taxes paid by residents and businesses, we are almost three quarter of a million dollars owed at this point. Also, the water and sewer needs to be collected; if we don't get those in it is going to impact next year's budget.

Mr. Giordano reported to remind everyone again the pond was stocked there are fish with tags, catch one and bring it in you get a prize. On the 5th of December recreation will be doing their tree lighting at 5:00 pm there is going to be trees being lit up, there will be caroling, refreshments and Santa Clause is coming to Franklin. Pictures will be with Santa Clause by the Boy and Girl Scouts and if you can bring a donation of 5 cans or more they will not charge you for the picture. Mr. Giordano commented he needs to speak to Mr. Vandenbroek about having someone there to man the kitchen.

Mr. Limon commented he thought Alison [was doing that].

Mrs. McHose replied she is.

Mr. Limon commented he wanted to add to that the Franklin Fire Department will be escorting Santa around on the 19th.

Mr. Babcock commented he is not sure of the exact date it is the third Saturday of December.

Mr. Limon reported we had a personnel meeting and the committee recommended we hire the matron. That is item 7 on the list. Regarding the FOP contract, we are waiting to hear from them, hopefully we can further this along and settle their contract.

Ms. Hough, Clerk had nothing to report.

Mr. McBriar, Esq. had nothing to report.

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Mrs. Mchose reported this Monday, November 30, paving will begin on High Street. The DPW crew will be available to assist the contractor as well as the Police Department.

Mr. Babcock asked are they going to finish paving High Street up to the Borough Hall.

Mrs. McHose replied we took the portion out of the road that is closed right now, that will be addressed in the future.

Mrs. McHose commented she is reaching out to all the Department Heads and asking for them to review fee schedules, everything from minor things, there are some things Statutorily required but there are others that we can look at to see what needs to be updated. We will work with the ordinance committee to get those updated. We finalized the ordinance for boating and fishing license to allow Franklin residents to fish and boat for no charge.

Mrs. McHose commented as Councilman Snyder reported we have a spending freeze on non essential spending. We are also asking all the department heads to coordinate with us if there is an item they absolutely need and we will determine whether that can wait.

Mrs. McHose reported we will also be starting collection calls on taxes and water and sewer. That will be a coordinated effort between the finance department and herself.

Mrs. McHose commented the DPW contract should be finalized and put before the Council at the next meeting. That will be a two year contract. The FOP [contract] is not final yet.

Mrs. McHose reported we put out two conditional hires for the Police Department, we are in the process of going through the additional background checks on those and that is moving along.

Mayor Crowley reported we had the ribbon cutting with the formal opening of Walgreens today. There should be a picture in the paper. Mayor Crowley reminded everyone the Fire Department is having a venison diner December 5, it is \$25.00 if anybody is interested see any of the Fireman for tickets.

Mayor Crowley asked Chief McInerney why all the police officers are walking around with beards.

Chief McInerney replied no shave November, it is a benefit to the American Cancer Society. Each officer donates \$35.00 and the union also matches that.

Mayor Crowley congratulated the FOP for a good cause.

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 on not getting an invite to Walgreens ribbon cutting ceremony. Mr. Durina asked what the status was of the Franklin Meadows garbage.

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Mayor Crowley commented they started a law suit that indicates they are suing the Borough and him as an individual and the lawsuit is progressing through the Courts.

Mr. Durina commented he was talking to someone from Sussex and he likes the Ex-Mayor Rosa view is honest and open government, he was told that all of his meeting minutes will be up on the website two days after the meeting. Mr. Durina commented that is one of his goals is coming here the last couple of years is honest and open government. Mr. Durina commented at the last Mayor and Council meeting on 11-10-15 you [Mayor] was absent. Mr. Durina explained to the Mayor what he had stated at the November 10, 2015 meeting regarding resolution 2012-40.

Mayor Crowley commented he doesn't have an answer he wasn't here, he will look into this to find some more information.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented she is surprised to see that in the paper that Sussex is the only one that has open government. Maybe that is something Franklin should follow.

Mayor Crowley commented he doesn't know what their definition of open government is, all of our minutes are public records.

Mrs. Tatka commented they had someone come in and tell them how to run it [the town] to have an open government, they [Sussex] are the only town in the County that did it.

Mayor Crowley commented that is somebody's opinion.

Mrs. Tatka commented she asked at the last meeting how much is in the COAH fund.

Mayor Crowley commented off the top of his head there was something like \$200,000, that is just a guess, it sounds like a lot of money but if you are going to have a program with that fund it would be very hard, it is really not enough money to get a lot of development done and you would also have to have ten or 20 percent of that money which would have to be used for administration of that fund. That lowers the availability to the public and the governor is trying to take it.

Mrs. Tatka commented at the last meeting it was brought up about the Sparta Ambulance wanted \$6,000 a year from each Sparta, Hardyston and Franklin. What were the total amount of calls that were done in the first two quarters of 2015.

Mayor Crowley commented he doesn't have those numbers, what they were looking for is the wear and tear of the ambulances and basically to be reimbursed through the overall investment that the Township of Sparta had in providing those ambulances and the services.

Mrs. Tatka commented you have Hardyston and Sparta that are 4 to 6 times the size of Franklin and wondered if there was an equal amount of calls for all three towns.

Mayor Crowley commented that is one of the reasons why we really have grown in another direction plus they are not interested in really providing that [ambulance service]. They [Sparta] came forward at a time in need and helped us, this is one of the reasons why we are now going to different areas.

Mrs. McHose commented she had questioned that herself, because she didn't think that was fair or the population of Sparta and Hardyston being more than we are. However, when we looked at the numbers they were fairly even. What happened in

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Franklin we have the Franklin House, West Wind Hall, Concetta towers, we have several facilities with an elderly population and so the daytime calls in particular were a lot higher than the other two Municipalities. Mrs. McHose commented it was pretty evenly split and she would be happy to show you those numbers.

There being no one else present who wished to address the Governing Body, Mr. Babcock made a motion to close the meeting to the public, seconded by Mr. Martinez. 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. Email dated November 13, 2015 from NJLM to Municipal Official to the Municipal Clerk Re Weekly Policy Updates.
2. Letter dated November 16, 2015 from George F. Graham, Sussex County Freeholder to members of all Sussex County Governing Bodies.
3. Letter dated November 3, 2015 from Alan Zalkind, Director Rutgers Center for Government Services to Robin Hough, RMC/CMR Re: 54th Annual Municipal Public Information Contest.
4. Letter dated November 4, 2015 from Doreen Schott, Municipal Clerk of Hamburg, to Franklin Borough Council, Re: Resolution 2015-44 Supporting the Establishment of November 4, 2015 as support our Local Law Enforcement Day within the Borough of Hamburg.
5. Letter dated November 16, 2015 from Anita Kopera, Supervisor NJDEP, to Municipal Official Re: Radon Action Month.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for October, 2015.
2. Health Department report for October, 2015.
3. Municipal Court report for October, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 24, 2015.

Mr. Limon made a motion to approve the consent agenda of November 24, 2015. Seconded by Mr. Babcock.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Dabinett commented he is under the impression that Sparta wanted to charge us for 2014 along with 2015, and after Alison negotiated with them they reneged their 2014 bill.

Mrs. McHose commented that is correct.

Mr. Dabinett commented we paid them that money but it was only a portion of what they actually wanted to begin with.

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Mr. Babcock commented we are on a pay freeze with the Departments, we just gave hefty raises out in the last couple of months. We made our zoning officer full time, \$5,000 raise to another employee and now there is a matron on the agenda under new business for tonight.

Mr. Giordano referred to the issue of delinquent taxes and water and sewer bills. Mr. Giordano commented would it be possible to restrict building permits when you owe past taxes.

Mayor Crowley commented we are getting more aggressive with collecting water and sewer bills and if someone is in the rears what we can legally do including shutting off the services if we have to. That is a last call. If we can legally knock down their building permit, he isn't sure if legally we can, if we can we will.

Mayor Crowley commented one of the checklist [items] on getting a CO is that taxes are paid, if someone is coming into one of the Boards they also have to certify that all the taxes are paid before they can apply to the Boards for a variance or permit or something like that.

NEW BUSINESS

Approval of the Minutes

Mr. Giordano made a motion to approve the regular meeting minutes for November 10, 2015. (Absent: Mr. Babcock, Mayor Crowley) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Dabinett

Nays: None Absent: None Abstentions: Babcock

Animal Control Officer Shared Service Agreement

Mr. Giordano made a motion to approve the shared service agreement between the Township of Wantage and the Borough of Franklin for the services of an Animal Control Officer at an annual sum of \$11,520. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 12-2015 Amending Chapter 91 and 119

Mr. Giordano made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTERS 92 AND 119 OF THE BOROUGH CODE ENTITLED "BOATS AND BOATING" AND "FEES" Seconded by Mr. Dabinett.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public hearing will be held December 8, 2015.

Mayor's Appointments to the Board of Recreation

Mr. Giordano made a motion to confirm the following appointments for the Board of Recreation. Seconded by Mr. Snyder.

Member Keri Marino term expires 12/31/16

Member Jeffrey Korger term expires 12/31/16

Alternate #1 William McNeir term expires 12/31/16

Mayor Crowley commented to clarify, Keri Marino is right now an Alternate [#1] so she was moved up to a regular member because of the vacancies.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2015-94

Mr. Giordano made a motion to adopt resolution 2015-94 cancelling the unexpended and dedicated balance of the General Capital Appropriation in the amount of \$520.53. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2015-95

Mr. Giordano made a motion to adopt resolution 2015-95 authorizing Advanced Plumbing and Drain Cleaning, Inc. for a camera inspection of up to 10,000 linear feet of sewer main at a cost not to exceed \$32,000. Seconded by Mr. Snyder.

Mayor Crowley explained the resolution.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion regarding a Police Matron

At this time there was a discussion regarding a Police Matron.

Mayor Crowley explained a situation in the past week, Chief McInerney had called him on an emergency basis they were investigating a lead that would lead to an arrest of a female. The Chief tried to get coverage from another area female officer and was not able to do it. Mayor Crowley commented he authorized him to hire the matron on an emergency basis for that specific time, but he thinks it is very necessary for us to allow the Chief to hire a Matron as needed for this type of investigation and the resolution that had been refused the last time around. You are really putting the police and the Chief in a very bad situation for a small amount of money you are also putting the Borough in a legal predicament in case there is a law suit by not having a matron available.

Mayor Crowley commented he wanted the Council to know he authorized the expenditure so she can get paid, in the future you have to make a decision on this. Mayor Crowley commented he would recommend you pass the resolution that was refused the last time, to allow him [Chief] to hire a police matron on an hourly basis as needed, it is not a large amount of money and there is a lot of protection. We can't put our Policemen and our Chief in jeopardy by not being able to do these searches.

Mr. Babcock asked what do other towns do without a police matron.

Mayor Crowley commented most towns up here do not have female officers, some have some female employees that will do that. The female employee in some towns are dispatchers and they will call the dispatcher in and when they do that it's on overtime on a three hour call out. At times we have utilized the State Police, they will have a female trouter in the area, we have utilized female officers that are on duty in another town. They have used female correction officers but to do that you really have to cuff the person, bring them over to Newton, which is really not a good

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way to do it because they are taking a long ride without being searched. Basically they [other towns] are doing the same thing we are doing.

Mr. Snyder commented the only thing he had to say with regards to this, he knows we need a matron, it was the amount of money we were paying that matron we didn't have a chance to even talk about or discuss that and at that hourly rate and the way it was on a three hour bases, it wasn't per hour it was automatically three hours when she is called for any time. Mr. Snyder commented he had checked with some of the other towns around and we are going to be paying a lot more than other towns. Mr. Snyder commented we need a party we can negotiate [with] or tell that party coming on board with the salary that we're recommending her to start at, but that wasn't done and that is why he was concerned.

Mrs. McHose commented the personnel committee did review this two different times, you are not on the personnel committee. The Chief made the recommendation, this is a trained individual, this is not someone off the street, this is disgusting work and it is a necessary evil that we have to have. The personnel committee felt that based on her prior training we have her resume, we know she is employed by another police department in Northern New Jersey, not in the County. The personnel committee all three members recommended that she be hired.

Mayor Crowley commented if you want to look at dollar and cents and a three hour call out is less than a hundred dollars, if you want to look at it as an insurance policy for less than a hundred dollars for a three hour call out, he doesn't think it is that much. If you want to compare it you hired a DPW person last time starting entry level without training at sixteen something an hour plus benefits and the matron is at twenty two dollars an hour with no benefits we don't give her anything other than the protective gear she needs when she is working at the police station.

Mr. Snyder commented we have a guide that is set for people coming on board on what their set salaries are, there was no guide for this person, as the personnel committee can just throw out a number and we except it. Mr. Snyder commented you are wrong with regards to that he told you obviously there is a set guide for someone [your hiring] that you are being an example of, which is not true.

Mr. Martinez asked as far as the liability to the town as far as insurance or anything else like that, if something did happen right now I think she is on a 1099, if something does happen and there is no coverage for her and we become liable if we did hire her, she should be [in the] umbrella and this way we won't have any liability for that, she would be covered under our insurance. That was a fear for him, for the town, because it would be more expensive for us if something did occur.

Mr. Snyder commented he knows that she is certified to do what she needs to do, but he is saying look for someone else certified that is cheaper at a lower price, how can other towns around us be 17, 19 and we are 22 plus.

Mr. Limon commented that was what was recommended, I make the motion that we hire this lady as said per the last time.

Mayor Crowley read the resolution from last time:

*"Whereas, the Franklin Police Department is in need of a Matron to assist with privacy issues when a female is arrested;
Whereas, the Police Chief has recommend Heather Cole;
Whereas, Heather Cole has passed a finger print and background check;
Now therefore be it resolved; by the Council of the Borough of Franklin, that Heather Cole is hired as a part time on call Matron for the Police Department at the rate of*

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\$22.89 per hour. This appointment is effective immediately and will be effective for an undetermined term until further action is taken by the Administrator or Borough Council."

Mr. Limon made a motion that we hire this lady under that condition.

Mr. Dabinett commented he heard nothing in that resolution that stated it was a minimum of three hours.

Mayor Crowley commented that is not in the resolution.

Mr. Dabinett commented we do need a matron, he suggested a minimum of two hours.

Mr. Limon commented he doesn't think we should have that [a minimum], I don't want that in the motion.

Mayor Crowley commented we need a second.

Seconded by Mr. Martinez.

Mr. Giordano commented he believes we do need to have a matron, and he believes that having a matron is more important than arguing over \$15.00 for a call out between what the 17 dollar salary would be for a three hour call out and a \$22.89 call out. Mr. Giordano commented he realizes a lot of people are upset and they think we are hiring people and we are just spending money but the problem is we have a lot of problems with drugs in Franklin, and if we have an officer arrest a female we can't expose our officers to the liability of searching a female. Because obviously in today's world there are lawyers that specialize in suing. Mr. Giordano commented he doesn't necessarily agree with the salary but he is going to agree that we need someone in this position.

Mayor Crowley commented this can be changed and further action can be taken in the future if a better solution is found.

There was a brief discussion regarding the matron and looking at other options in the future.

Mr. Snyder commented he is not against hiring a matron, it was the fact that the salary was a little high and to go back to that person that is qualified and say listen we would love to have you as a matron in our town but the \$22.89 is not going to fly with the Council they are questioning it and ask to get her to agree to a lesser amount. That could have been done but it wasn't done.

Mr. Babcock commented he agrees with Mr. Snyder.

Mayor Crowley commented we have a motion and a second.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Dabinett

Nays: None Absent: None Abstentions: Snyder, Babcock

EXECUTIVE SESSION

There was no executive session.

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MISCELLANEOUS COMMENTS

There was a brief discussion on High Street paving and the portion of the road that had been closed, paving next year and safe street program.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Giordano made a motion to adjourn the meeting at 7:42 p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk