

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN,  
February 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. 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 there was a personnel meeting regarding hiring for the police department.

Mr. Dabinett reported the Public Utilities met on February 4, we came in at 6:00 instead of 7:00 this time, to allow our CFO to join us and have discussions on the budget and so forth. Present was Mr. Rathbun, Mr. Snyder, himself along with Alison McHose, Brian VanDenBroek and Monica. We discussed budget appropriations for the upcoming years among items were improvements to the water tanks, sewer pumping stations, purchase of equipment and standby power for Franklin Meadows storage tank. The I & I study on route 23 South, the sewer lines are nearly complete and several hours of infiltration have been discovered. We should have a complete report back for the next Council meeting. Mr. Dabinett commented he understands one of the leaks is allowing about 700 gallons a day infiltration, we must address some of these issues shortly. At 7:00 Monica left and Mr. Knutelsky, our engineer joined us and we continued the discussion and we are hoping to have some recommendations for the Council in March.

Mr. Dabinett reported on the ordinance committee, the Zoning Board has suggested some changes regarding yard definitions, cell tower sites and drive through signs at the local restaurants. Mr. Dabinett commented he will try and set a committee meeting this coming week and invite the chairwoman of the Zoning Board to join us.

Mr. Snyder reported the finance committee didn't meet but he had discussions with the CFO with regards to our committee. She wants to have a meeting to go over the capital expenditures before we have the budget which we will introduce in March. The committee is Mr. Martinez, Ms. Fantasia and himself. Also, the buildings and grounds committee has not meet yet, we plan to meet soon. He spoke to Mr. VanDenbroek to see what might be appropriate to go over.

Mr. Rathbun reported this Thursday, Recreation has another meeting, we are planning the Carnival, which is July 7 through the 10th. We are also planning the Spring Fling which is Saturday, April 9th at 12:00 noon.

Mr. Martinez had nothing to report.

Ms. Fantasia reported the EDC meeting is also Thursday, February 11, she will have an update for the next meeting.

Mrs. McHose reported the personnel committee met recently to discuss specifically the two conditional hires we have for the police. We are going through some technical things and legal matters, we are waiting for answers from our Labor Counsel. Mrs. McHose reported she has been working on the email situation and

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has done some research on grant writing. Mrs. McHose commented she is working on a resolution regarding the Hungarian Church situation, we will talk about that at the next meeting.

Mrs. McHose commented she is working and will bring the report on cameras and security matters she has researched.

Mayor Giordano asked if she had an update on the surplus items for auction, do we have a time frame for that.

Mrs. McHose commented we are moving forward, we don't have a date yet. The next step is to photograph all the vehicles we sent those off. Darlene has a form she completes with the mileage and the condition.

Angelo Bolcato, Esq. had nothing to report.

Mayor Giordano reported he is not a fan of handshake deals. We have an agreement in writing for a continuation of what we have done for years at the Franklin Rifle Range, it is an agreement that works well for both [parties], so we put it to writing in case the public wants to know.

Mayor Giordano commented the Clerk has been working hard on putting additions onto the webpage, including the Annual Debit Report, there have been a lot of different items to the webpage so check out the [Borough ] website.

Mayor Giordano reported in the past week the Administrator, Mr. Martinez and himself sat through several meetings on Friday. Smart Street is coming to Franklin which is an exciting program to enhance pedestrian and traffic safety in town. We went over a Main Street Planning Grant with the State, he has great hopes for that. In conjunction with that the planning Board will be bringing back various areas of rehabilitation, designations that were set aside, studies were done. We will be reviewing those to see if those are applicable to Main Street now.

Mayor Giordano reported we had a Bridge E-04 meeting with the County, it was a very good meeting. The County is committed to working with us to make sure our Carnival comes off well.

Mayor Giordano reported the draft of the water/sewer budget is done, it should be in your emails this evening. The Fire Chief vehicle is almost done, hopefully we should be releasing it on Friday. EDC will be helping with the Main Street Planning which will be very exciting for EDC because they are going to have a focus. Recreation is meeting on Thursday.

Mayor Giordano reported we would like to see if we can come up with a group of people interested in helping out seniors or disabled people that cannot shovel their own properties. We would also like to see people volunteer to shovel Fire Hydrants, if you have one in your yard you should be shoveling it.

Mayor Giordano asked for the personnel committee to meet with Chief McInerney to start drawing up plans for a contract extension.

Mrs. McHose commented one other meeting we had was with the NJTPA, New Jersey Transportation Planning Authority, an arm of NJDOT to participate in an advertising campaign that is for safe routes throughout town and explained. Mrs. McHose commented she was contacted by an organization in Beaver Lake and explained a plan with DEP and the folks in Beaver Lake are opposed to.

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**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.

Susan Gunderman, 22 Jenkins Road, Franklin, stepped forward. Mrs. Gunderman question the snow removal by the fire hydrants, the fire department always had done that. That is no longer feasible for these people. Mrs. Gunderman asked how many employees are there in town.

Mayor Giordano commented maybe 48. Mrs. Mchoso commented it is over 30 with part time and crossing guards.

Mrs. Gunderman commented you have 14 and a half holidays on the calendar, they are all paid holidays, when you go into negotiations you have to know and they have to know they are getting paid for extra days. The post office doesn't even take those days.

Mayor Giordano commented he thought it was odd the time frame of the Holiday coming up this week and next week, Lincolns Birthday and Washington's Birthday, we traditionally have Presidents Day but for whatever reason the Borough has off on Lincolns Birthday and Presidents Day and leaves Washington's Birthday.

Mrs. Gunderman commented you were suppose to combine those two [holidays] at one point.

Mayor Giordano commented that is something the Council will have to look into.

Mrs. Gunderman commented on the NJ Trails Program and grant application. The application is already on the website. Mrs. Gunderman read a list of Municipalities that have previously received the grant. The Borough can reapply for the grant every year.

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.

**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. Zoning Board of Adjustment Resolution and Annual Report Required by N.J.S.A. 40:55D-70.1 adopted February 3, 2016.

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

1. Construction Permit Activity report for January, 2016.
2. Construction report for January, 2016.
3. COH report for January, 2016.
4. Zoning Officer report for January, 2016.
5. Finance revenue budget report for current fund activity, to December, 2015. (Accounting year 2015)
6. Finance revenue budget report for water sewer operating fund, activity to December, 2015. (Accounting year 2015)

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

1. Vending machine license renewal for Shop Rite of Franklin for vending machines located at Shop Rite.
2. Vending machine license renewal for Weis Markets #147 for vending machines located at Weis Markets.

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

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

Mr. Snyder made a motion to approve the consent agenda of February 9, 2015.  
Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**OLD BUSINESS**

Mr. Dabinett commented on the changes to the bid for the Cell Towers by Laddey, Clark and Ryan.

Mr. Bolcato, Esq. from Laddey, Clark & Ryan explained the changes and gave the Council an update. Mr. Bolcato commented he can give you a resolution if you want to go out bid for the next meeting.

Mayor Giordano commented we would be looking at putting this on the agenda and approve this for going out to bid at the next meeting.

Mr. Limon asked if the vendor had seen this yet.

Mr. Bolcato commented the vendor hasn't and they shouldn't see it because we are not negotiating with them. What we are doing is looking to see what the standard is in the industry and what other municipalities do. We have looked into other towns and other documents, you are always going to get an objection from a bidder for something or they are going to want something different but you don't have to accept that if there is no benefit to the Borough.

Mr. Limon commented at the last meeting the Mayor had an objection.

Mayor Giordano commented cell towers are very lucrative and they can be lucrative for whatever organization has them. We should be looking to get as much as we can from our leases with properties for cell towers. If the Council can look this over and we can move forward at the next meeting with a resolution and then we can put this out to bid.

Mrs. Mchese commented our CFO made a suggestion when the leases come up for renewal there is a legal fee incurred and we should create an escrow account so the person leasing the space pays for that rather than the Borough.

Mr. Snyder commented last meeting he mentioned the LOSAP program, he was looking into and would like everyone else to get involved in this. He came into Borough Hall today and Robin asked if he had checked his email. She found under local finance notices is guidance to the Administration Length of Award Service Program. Mr. Snyder commented he hadn't had a chance to read this, it gives everyone on the Council a lot of information with regards to what the LOSAP programs is. Mr. Snyder asked everyone to look over the local finance notice.

Mr. Snyder commented with regards to 453 Rte 23, do we have anything on that yet.

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Mrs. McHose commented Theresa just got back yesterday, she was out sick, but she will get the information regarding that property.

Mr. Snyder asked if another letter can be sent to the owners of the old Franklin Diner to find out what their intentions are.

Mayor Giordano commented there are people interested in some of the properties in town, one being directly in front of the school. We would have to work with the School Board to have that property developed and be beneficial for the school and the town.

Mr. Snyder commented there wasn't an issue with Corkhill Road, it is believed to be the way the water runs from trucks going back and forth, makes the appearance of the road scattering. The Borough Engineer believed it is the same thing to.

Mrs. McHose commented on the bollards by Walgreens. Mrs. McHose will check on the missing bollards.

**NEW BUSINESS**

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for January 26, 2016. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 01-2016

Mr. Rathbun made a motion to adopt ordinance 01-2016 "AN ORDINANCE SETTING FORTH THE RESPONSIBILITY OF LANDLORDS FOR DISORDERLY TENANT BEHAVIOR PURSUANT TO N.J.S.A. 40:48-2.12N ET SEQ. Seconded by Mr. Limon.

**Prior to final roll call, Mayor Giordano opened the meeting to the public for any comments regarding ordinance 01-2016.**

No one from the public stepped forward the meeting was closed to the public for ordinance 01-2016.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 02-2016

Mr. Rathbun made a motion to introduce an ordinance entitled "AN ORDINANCE REVISING THE BOROUGH OF FRANKLIN CODE, SECTION 56-1, TO PROVIDE A HIRING PREFERENCE TO VETERANS". 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 on February 23, 2016.**

Resolution 2016-26 Coin Toss Fundraiser

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Mr. Rathbun made a motion to adopt resolution 2016-26 approving the Franklin Fire Department coin toss fundraisers contingent upon receiving any necessary County or NJDOT approval and complying with any request, recommendation or directions of the Franklin Borough Police Department. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Martinez, Rathbun, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Limon, Snyder

Mayor Various Appointments

Mr. Dabinett made a motion to confirm the following Mayoral Appointments:

Zoning Board

Alternate #1            2 year term (expires 12/31/17)    Wes Suckey

Alternate #2            2 year term (expires 12/31/16)    Richard Knop

Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion regarding snow clearing and fire hydrants

At this time there was a discussion regarding snow clearing and fire hydrants.

Mayor Giordano commented he added this on the agenda to let everyone know how our snow clearing went in the past with fire hydrants and he will try and get the Franklin Fire Department to help do that.

There was a discussion regarding who can volunteer to help clear the fire hydrants, concerns with the snow clearing of the sidewalks, senior citizens and disabled veterans that cannot shovel the snow, asking the Fire Department or Boy Scouts to see if they can help, maybe use the SLAP program and Fire Department not having as many volunteers as in the past.

Resolution 2016- 28 Authorizing the Release of Bond

Mr. Dabinett made a motion to adopt resolution 2016-28 authorizing the release of Bond #S282729 in the amount of \$355,326.80 for developer Eden Franklin LLC. per Borough Engineer correspondence dated January 28, 2016. (Which is also attached) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on a Grant Writer

At this time there was a discussion regarding a Grant Writer RFP.

Mayor Giordano commented the administrator is working on the report for the grant writer.

Mrs. McHose gave a brief report to the Council regards to having a subscription to a grant writing service with live support or having a grant writer.

Mayor Giordano commented the Borough has never had a grant writer before, this is a new process to look at having a grant writer or a grant writing service.

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There was a discussion regarding the grant writing service where we write the grants and they provide guidance, whether or not the Borough has the staff to write grants in house and two individuals that have been trained for grant writing the administrator and Jim Williams.

Resolution 2016-27 and discussion regarding Borough email addresses

Mr. Dabinett read at this time there will be a discussion regarding resolution 2016-27 Borough email addresses for Board members and discussing going out for RFQ for web/mail hosting.

Mrs. McHose commented this came up last year at the Borough, it came to light because she enquired whether she can get the calendar on her phone and explained how it worked and the system that the Borough previously had. Mrs. McHose commented when the Borough CFO and herself were looking to upgrade the server in the building it was problematic because they could not do good backups. We looked into this with MSI our current provider, we were grandfathered in with MSI for the emails, this system was the best for the cost and explained why. If the Borough provides emails for the all the Boards the cost is approximately \$120.00 per email and explained what service was included in that cost and the importance of having the emails backed up for OPRA requests.

There was a discussion regarding old emails from previous years, importance of having emails for Board members and total cost would be around \$4,080.

Mayor Giordano asked Mr. Martinez to work with Mrs. McHose regarding the email issue.

The discussion continued on the cost and what is offered

Mayor Giordano asked Ms. Fantasia to also work with Mr. Martinez and Mrs. Mchose.

Mr. Dabinett asked he read that item off as a resolution should we make a motion to table that resolution.

Mr. Bolcato commented it wasn't a motion is was just a discussion, a consideration upon the discussion by the Council. If you want to make a motion to table it that is fine.

Mr. Dabinett made a motion to table resolution 2016-27 to the next meeting. Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction to Ordinance #03-2016

Mr. Dabinett made a motion to introduce an ordinance entitled "AN ORDINANCE REPEALING CHAPTER IV "BOARD OF PUBLIC WORKS," CODE OF THE BOROUGH OF FRANKLIN 10-19 THROUGH AND INCLUDING 10-24. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public Hearing will be held on February 23, 2016**

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Introduction to Ordinance #04-2016

Mr. Dabinett made a motion to introduce an ordinance entitled "AN ORDINANCE AUTHORIZING LEASE AGREEMENT BETWEEN THE BOROUGH OF FRANKLIN AND NORTHWEST NEW JERSEY COMMUNITY ACTION PROGRAM, INC. FOR A PORTION OF MUNICIPALLY OWNED PROPERTY LOCATED AT GEORGE LABANCE LANE." (Packets include lease agreement) Seconded by Mr. Limon.

There was a discussion on the size of the space.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public hearing will be held on February 23, 2016.**

Agreement for Service Exchange

Mr. Dabinett made a motion to approve the agreement between the Borough of Franklin and the Franklin Revolver & Rifle Association, Inc. for an exchange of service. Seconded by Mr. Limon.

Mayor Giordano explained the agreement.

Mr. Snyder asked if he would have a conflict regarding this agreement.

Mayor Giordano commented the Borough Police officers and employees will have full and unfettered access, permission and license to use the range during regular business hours at not costs. They are going to use it to qualify for their handguns for the police to qualify. What the Borough will do for allowing us to have our guys go in and use [the range] as they need it is we will plow and mow the grass which is something we have been doing there for years.

Mr. Snyder commented he is a retired police officer, does he have the ability to use that range yet.

Mayor Giordano commented if you are qualifying he personally wouldn't see it as an issue but we would have to clear that with the Chief.

Mrs. McHose commented "and with the lawyer".

Mr. Snyder commented the police department is an issue with regards to his son being on it.

Mr. Bolcato commented if the arrangement is to allow active officers but also retired officers than you would be fine with that, you couldn't be voting on it.

Mr. Snyder commented he wanted to know with regards to police officers and employees.

Mr. Bolcato commented he believes this was drafted in house. We can ask for clarification on this. You can authorize the execution of the agreement subject to making that revision.

Mr. Limon commented he would accept it as said.

Mr. Martinez commented when reading this, it says Franklin Police Officers and Employees, does Mrs. McHose as a Borough Employee now have access to that



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range. Mr. Martinez commented he doesn't find that fair, we are using tax dollars to plow that area. He understands for the Police Department or for qualifying he understands that, he wants the definition of employees. He doesn't want to get anything everyone else isn't going to get. Mr. Martinez commented he is trying to understand the definition of employees, all Borough employees if it is he has an issue with it.

Mr. Snyder commented the reason he is bringing this up is the fact he is a retired police officer still having to qualify twice a year to be able to carry his weapon. That is why he is asking the question, would he be able to access that with a certified instruction to get certified.

Ms. Fantasia commented you would still be under police officer but the way this reads now as employee, the crossing guards would now have access to it.

Mr. Snyder commented it says [the agreement] about officers now but nothing about retired police officers.

Mr. Martinez commented we need to understand the definition of employees.

Mr. Bolcato commented if the intent is for law enforcement we can certainly take out the word employees, the intent is to give the police officers access and permission to use the pistol range. It is not saying, he doesn't think they need permission to go cut the grass because that is part of the service we are getting in exchange for having access of our officers to go in and use the range. Mr. Bolcato commented we can work on some of the language to clean it up a little and make the clarification.

Mayor Giordano asked should we rewrite this and bring it back at the next meeting or can we vote with the changes.

Mr. Bolcato commented it is up to the Council you can authorize it subject to us making those revisions and reviewing it with the approval of the Administrator.

Mr. Limon commented we should move forward only because we are in the middle of winter.

Mayor Giordano commented we are in the midst of the agreement with them, we are not going to change whether we are going to plow, the grass isn't growing now. Do we want to tidy the agreement up, do it now or whether we do it at the next meeting, it is up to the Council.

Ms. Fantasia commented if it is going to be honored in the next snow, she thinks we should wait because we really need to look into what Councilman Snyder said as far as retired police officers.

Mr. Dabinett commented Mr. Snyder is a retired police officer his question is because he is voting on it now will he put himself in any kind of jeopardy by him going down there and shooting or should he abstain.

Mr. Bolcato commented he certainly should abstain from it.

Mr. Martinez commented he agrees with Ms. Fantasia we should table it to clean it up.

Mayor Giordano commented we have a motion on the table, you can rescind the motion or we can vote it down or up.

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Mr. Dabinett commented he will rescind the motion.  
Mr. Limon rescinded his second.

Mr. Martinez made a motion to table it [the agreement] until the next meeting.  
Seconded by Ms. Fantasia.

Mr. Limon commented he wants it on the record he is for the retired officers using that range as well. That is a way we can show our support for them as well for all their years of services.

Mr. Martinez commented he agrees that is why we have to clean up the verbiage.

Mrs. McHose commented we have to get their [rifle range] agreement on this as well.

Upon roll call vote:

Ayes: Limon, Martinez, Rathbun, Dabinett, Fantasia

Nays: None Absent: None Abstentions: Snyder

**ADDENDUM**

**Application for Senior Center**

Mr. Martinez made a motion to approve the application for use of the Senior Center by the Concerned Citizens for a Better Franklin for the First Thursday of each month from 6:30PM to 8:30PM, and to waive the certificate of insurance and fees.  
Seconded by Mr. Snyder.

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 **Litigation for Franklin Meadows**. Motion seconded by Mr. Rathbun. All in favor.

Mr. Bolcato excused himself from the executive session.

After meeting in closed session, the Governing Body returned to their seats at 8:50p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

**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. Martinez. All were in favor.

Carol Truhan, 20 Nestor Street, Franklin, stepped forward. Ms. Truhan commented also 24 Parker Street. Mrs. Truhan commented on the snow removal and the sidewalks she has to shovel now, not having any notice that she would have to shovel the sidewalks, not being prepared for this, residual lighting from her neighbor's property, the Zoning Officer, cameras on her property and her fence.

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. Fantasia. All were in favor.

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**MISCELLANEOUS COMMENTS**

There were no 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. Rathbun. All were in favor.

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Nicholas Giordano, Mayor

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Robin Hough, Borough Clerk