

**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
July 26, 2016**

Mayor Giordano called the meeting to order and requested the Borough Administrator to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Dabinett, Mr. Limon, Mr. Rathbun and Mayor Giordano.

Absent: Ms. Fantasia, Mr. Snyder (via phone at approximately 7:15)

Mayor Giordano led the assembly in the flag salute.

Mayor Giordano commented we are removing item number 5 from the agenda. We were notified by mail that there is a meeting tomorrow where item number 5 will be discussed.

COMMITTEE REPORTS

Mr. Rathbun had nothing to report.

Mr. Limon had nothing to report.

Mr. Dabinett reported we had our Public Utilities Committee meeting on the 21st. Mr. Deacon of Sterling Plaza has been before us discussing the sewer pumping station and he would like to discuss the possibility of connecting into our Borough water system. Mr. Dabinett commented we need some additional information going forward, the ownership of lands around the wells and what we own. We are going to investigate and look into this.

Mr. Dabinett commented we asked our engineer to give approximate costs for him to start addressing our inflow problems and the cost on upgrades to the Rte 23 sewer pumping station. We would like to start these projects sometime before the end of the year.

Mr. Dabinett commented the bids came on paving for Main Street and Rutherford Ave. The low bid for Main Street was \$354,988.73 and Rutherford Ave the low bid was \$197,721.71. The Engineer and the CEO are reviewing all the bids and will make a final determination shortly.

Mayor Giordano commented we should have the award of bids for Rutherford Ave. at the next meeting. Mayor Giordano commented Main Street is tied up.

Mrs. McHose commented at this time Councilman Snyder will join the meeting via phone.

Mr. Dabinett commented in the past his committee has asked to review all bills prior to payment, he again asks to see all legal and engineering bills in advance including any escrow accounts before anything is paid. Mr. Dabinett commented he wants [the bills] to come to our committee and have the committee review it prior to payment.

Mayor Giordano commented you want to change the way we set the committee up that the Board of Public Utilities bills should have one signature on the bill and one finance signature on the bill.

Mr. Dabinett commented he doesn't have a problem with a signature as long as we can review it.

Mayor Giordano commented as a check to make sure of that; he will as the Mayor write a memo to the CFO to request Board of Public Utilities signature.

Mrs. McHose commented right now this is adding an extra layer and an extra step, before we do this, create a procedure. Would there be a dollar figure, over a certain

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amount or do you want every single bill. What it is going to do is if the invoice leaves finance they are going to have to create a list, we have to have controls on the paper where it goes, it can't go out of this building.

Mr. Prol commented and gave an example used by another Municipality.

Mr. Dabinett commented he is mainly concerned with legal fees, engineering fees and money in the escrow account. We had an escrow account, there was two thousand dollars in nothing was said to him and all of a sudden \$1450.00 was paid out of that account. We brought Mr. Deacon in again to find out there is hardly any money left in his escrow.

Mrs. McHose commented she checked into that today, she asked for an accounting of all invoices that have come in. This was a new directive we had given one stack to the committee, we are getting used to this that is why she is suggesting a written policy so that finance department knows how to follow this. Her concern is every bill that comes out of DPW if there is a five dollar [bill] do you want the committee to see that.

Mr. Dabinett commented any legal bills, engineering bills and anything associated with escrow.

Mr. Rathbun commented he doesn't think we need to know everything just those essential things so we know how to move forward and make decisions.

Mayor Giordano commented if the Council is ok with this we will have Mrs. McHose write up something and email it to us. The Council will review it and make adjustments to work out a process.

Mr. Prol commented we sent the Habitat Agreement over to Richard Ralph and hopefully we will have his clients signature to get that going. Mr. Prol commented his firm wants to partner with the Borough and donate their services for that very important project.

Mrs. McHose confirmed Mr. Snyder was on the phone.

Mayor Giordano commented the State hasn't had a lot of rain this year, a drought warning has been issued in several counties. He isn't 100 percent sure if that covers Sussex County but reminded everyone to conserve water when you can. Mayor Giordano commented we do have a spending freeze in place, this is really a result of an unexpected law suit which may be resolved shortly. We have to work on a process as far as hiring.

Mayor Giordano commented we are addressing trucks driving through the Borough and explained. Mayor Giordano commented because the Transportation Trust Fund has been halted by the Governor it is his understanding the bridge might get done quicker because the company that is working on the bridge was doing a number of projects that has been halted.

Mayor Giordano commented with great regret we have had the resignation of Councilman Martinez. Mr. Martinez was a great asset to the Borough and a close friend. Mr. Giordano commented he will be missed and appreciates all the work he has done on Council, Recreation, Zoning Board and Planning Board. We have notified the Republican Committee of the vacancy we should have an appointment maybe before the next meeting as soon as possible.

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Mrs. McHose commented the process is now that the Clerk has received the notice of resignation the Republican and Democrats have been notified. It is a courtesy to the Democrats. The [Republican] County committee will meet and they will forward names to the Council and then hopefully to the next meeting the Council will consider those names and select a person to fill the vacancy. Mrs. McHose commented she enjoyed working with Mr. Martinez.

Mayor Giordano commented Councilman Snyder is on the phone for the record he is part of the meeting this evening.

Mr. Prol commented to be clear Councilman Snyder joined us by speaker phone he can hear the conversation and he can participate.

Mrs. McHose asked Mr. Snyder if he could hear her.

Mr. Snyder commented yes, he can.

Mrs. McHose commented she changed on the record that Mr. Snyder is present on the phone.

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. Limon. All were in favor.

Robert Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen commented on a cinderblock factory on High Street and explained.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented on the traffic, he thinks the police presents makes a difference [on Evans Street]. Mr. Kidd asked if the Main Street paving includes the new additional parking across from the Corner Store.

Mr. Dabinett commented yes, it does.

Mr. Kidd commented in the Planning Board we are in the same issue receiving bills to approve and not knowing what they are for and explained.

Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen commented on the article in the newspaper regarding Habitat for Humanity and asked about vacant houses already in Franklin. Mayor Giordano explained. Mrs. Allen and Mayor Giordano discussed back and forth Habitat for Humanity homes.

Jackie Espinosa, JCP & L, stepped forward. Ms. Espinosa commented fortunately the recent storm didn't hit Franklin. Ms. Espinosa left hand outs to place at Borough Hall.

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented she thinks Franklin Meadows should be ashamed of themselves, to have a picture of piles of recycling, boxes not folded and explained how she folds recycling. Someone needs to show Franklin Meadows how to recycle.

Mrs. Tatka congratulated Mr. Prol's firm for volunteering their legal fees for Habit for Humanity project.

Mrs. Tatka asked who submitted bids for the paving project. There was a discussion on bids.

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Mrs. Tatka asked about the Wildcat Road section. Mrs. McHose commented that will be done but not in house, that is a complicated curve and explained.

Mrs. Tatka asked is the dog census was done. Mrs. McHose commented it is finished she will give a report at the next meeting.

Mrs. Tatka commented she was looking at old minutes and in February Mrs. McHose was looking into decreasing health care costs. Mayor Giordano commented yes.

Mrs. McHose commented yes, she went to both State Health Benefits and to outside firms. We were deemed too small to be written for.

Mrs. Tatka asked about Sussex Bank and the Franklin Historical Society. Mayor Giordano explained.

Mrs. Tatka asked if Borough Hall will be open on Thursday night. Mayor Giordano commented we have positive and negative aspects of it, therefore we haven't come to a conclusion yet and explained. Mrs. Tatka commented the only time you probably really need [one late night] is tax time. Mayor Giordano commented that is a possibility.

Mrs. McHose commented we are doing research and we have not had a lot of calls for the late night hours. We also have implemented the pay by check which is on line and the credit card payment, a lot of people have taken advantage of that. Maybe that cuts down on the need for night hours.

Mrs. Tatka asked if any [information] was found out about State aid for First Aid Squads. Mrs. McHose commented she has to keep working on that.

Mayor Giordano commented the first aid squad merger that was planned by Hardyston, Wallkill Valley First Aid Squad is still a Franklin based squad, unfortunately the merger didn't pan out. Mrs. Tatka commented she hopes the decision wasn't made too fast. Mrs. Tatka asked about shared services we don't have as many as we used to. Mayor Giordano explained we may be looking into shared services.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath congratulated the Council for the donation to Habitat for Humanity. They are a wonderful organization and Mr. Prol that is really great that you guys are going to join together with us. Mrs. Heath commented years ago we did have Borough Hall open on a Thursday or Friday night and a Saturday morning during tax time. Of course you know only the tax collector can collect taxes so you need to have that special person. But it did fall off and people weren't coming in, during the evening hours it became a security issue and at that time we had the police station down stairs.

Mrs. Heath commented with the new bridge, are they going to reinstall the lights we had shining on the falls. Mayor Giordano commented he would hope so.

Mrs. Heath commented she really wishes you would look into that because it is really pretty to see the light on the falls.

Mrs. McHose commented she would like to publically thank Mrs. Heath for bringing the Habitat for Humanity idea to her over a year ago.

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Mrs. Heath commented as far as shared services go, she thinks what happen was personalities got involved. Franklin did all of the tax collection and CFO for Franklin and Hardyston, unfortunately if fell apart.

There being no one else present who wished to address the Governing Body, Mr. Limon made a motion to close the meeting to the public, seconded by Mr. Rathbun. 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. Resolution from Sussex County Board of Chosen Freeholders Providing Temporary Closure of CR 631N Borough of Franklin.
2. Resolution 2016-99 from the Township of Andover, County of Sussex and State of New Jersey Opposing the State Legislature's Gas Tax of \$.23 Per Gallon.
3. Letter dated June 7, 2016 from Mary Alonso, President of Board of Health to Amy Fiorentino Re: accepting her resignation and thanking her for a job well done.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Registrar Report Quarterly report for April 1, 2016 to June 30, 2016.
2. Zoning Officer Report for June, 2016.
3. Tax Department Report for June, 2016.
4. Municipal Court Report for May, 2016.
5. Construction Permit Report for June, 2016.
6. COH Report for June, 2016.
7. Construction Permit Activity Report for June, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 12, 2016.

Mr. Limon made a motion to approve the consent agenda of July 26, 2016. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Limon, Rathbun, Snyder (via phone)

Nays: None Absent: Fantasia Abstentions: None

OLD BUSINESS

Mr. Dabinett commented we have a spending freeze in town. Mr. Dabinett commented this so called spending freeze was something that was put in place by our CFO and truthfully he doesn't think she has the ability to declare a spending freeze. Mr. Dabinett commented he believes she is an employee of the Borough of Franklin, she works for the Mayor and Council. The Mayor and Council are the body that determines whether or not we put in place a spending freeze. There was no vote taken by this Governing Body to implement a spending freeze, therefore, he has reservations as to whether or not we have a spending freeze.

Mrs. McHose asked Mr. Prol to clarify this, because the recommendation from the CFO is based on the fact she has a license from the State of New Jersey.

Mr. Prol commented the CFO has a license and an obligation that she can't allow the Municipality to spend more money than it has. The issue is not the spending freeze

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per say but the fact the CFO can't and will not be spending any money that is not in the town. Mr. Prol commented when we talk about this idea of a spending freeze he doesn't think the town Council authorized a spending freeze he doesn't even think the CFO is authorizing or wants a spending freeze he thinks it was just a restraint on the spending right now. There is a different issue that is the CFO will not and cannot spend money that is not actually encumbered or in the bank. He thinks everyone is in agreement it is a matter of our wording on it. Mr. Prol commented he thinks there is an agreement there should be a restraint on spending.

Mr. Dabinett commented we have in place a finance committee with Mr. Snyder and Ms. Fantasia who weren't informed of this.

Mrs. McHose commented that is not true the finance committee was defiantly briefed on this prior to the CFO writing the memo, she knows that for a fact.

Mr. Dabinett commented he asked Mr. Snyder and he was not aware of it.

Mrs. McHose commented he was not at the meeting, Ms. Fantasia was the only member who was available he [Mr. Snyder] was not available by phone. Mrs. Mchose commented Mr. Snyder was not available for that meeting, for the record there was a meeting requested by the CFO with the finance committee.

Mayor Giordano commented Ms. Fantasia and Monica met before the meeting and the actual verbiage of what Monica sent out is actually done during that meeting. Ms. Fantasia is not here, he can't say one hundred percent but he does believe she [Ms. Fantasia] was in support of this. However, that being said he thinks what we are talking about is whether or not the CFO has the authorization do it or the ability to do it and those are two separate things. To have the ability to do it is one thing, to tell the Governing Body they are going to do this is more verbiage that we need to discuss so that we can make sure that isn't taken out of content.

Mr. Dabinett commented the State Statue states the Mayor and Council are responsible for finance. The Mayor and Council will vote on a spending freeze. He understands the CFO position, she went to the committee, the committee should have came back to the Council make their recommendation and the Council acts.

Mr. Snyder commented the only thing he knows about a spending freeze was obviously after the last meeting [finance] there was a comment, we sat down with Ms. Fantasia and the CFO and talked about the capital expenditures but we didn't really talk about the spending freeze at that time.

Mrs. McHose commented there was a meeting after that, prior to the Council meeting on the 12th and that one neither Mr. Martinez or you were available and Monica and Ms. Fantasia met prior to that meeting to discuss [the spending freeze]. Mrs. McHose commented this is all cautionary advice from the CFO, she can't move money until November.

Mr. Prol commented at the last meeting the CFO gave the Council a memo to recommend you to consider a spending freeze and in that memo it is very clear in the language she provided that she is not imposing the spending freeze herself or is she suggesting she has the authority. Mr. Prol commented he thinks the CFO has offered this as guidance for the Council respecting their authority to make determination to budget but she has to consider this issue and continued to explain.

Mr. Limon commented it was recorded in the minutes the spending freeze. This was a reporting of Ms. Fantasia not the CFO.

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Mr. Snyder commented he was away July 12, that was the week he was not here. Since that time and there after he asked the CFO for a print out of the budget to go over with the committee.

Mr. Dabinett commented the point he is trying to make is nobody wants to spend money, the CFO has a point that is her job, but by the same token her job is not to put into place a spending freeze that is the Council's job, she makes a recommendation the Council acts that is the point he is making. The Council hasn't acted.

Mr. Snyder commented all she has to do is come to us at finance and he can ask for the Council to have a discussion on it and there would be no problem.

Mayor Giordano commented Mr. Snyder when you come back, met with the CFO go over it and bring it to the Council to make a determination at the next meeting.

Mr. Snyder commented the CFO should pin point where exactly she is concerned about, that is correct.

Mr. Dabinett commented I want to know do we have a spending freeze in place or do we not.

Mr. Prol commented we do not.

NEW BUSINESS

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes and executive session meeting minutes for July 12, 2016. (Absent: Mr. Martinez, Mr. Snyder) Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Limon, Rathbun,

Nays: None Absent: Fantasia Abstentions: Snyder (via phone)

Resolution 2016-76

Mr. Rathbun made a motion to adopt resolution 2016-76 authorizing temporary continuance of legal services of John Ursin, Esq. for a specific matter involving pending litigation for Franklin Meadows at the rate of \$160.00 per hour not to exceed \$5,000.00. (Tabled at the July 12, 2016, meeting.) Seconded by Mr. Limon.

There was a discussion on the resolution.

Upon roll call vote:

Ayes: Dabinett, Limon, Rathbun

Nays: None Absent: Fantasia Abstentions: Snyder (Via Phone)

Mayor Giordano commented for item three [Ordinance 14-2016] he will be stepping down.

Mrs. McHose asked who will chair the meeting. Mr. Prol commented normally the Council President. Mrs. McHose commented Council President Snyder is on the phone and asked Mr. Prol to take over.

Mr. Prol commented may the record reflect that Mayor Giordano has left the room the door is closed. At this time the Council President will take over chairing the meeting unless Council President Snyder who is participating electronically, may [find it] more difficult for him to chair the meeting but he will leave it to the Council and Council President.

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Mrs. McHose asked Mr. Snyder if he would like to chair this portion of the meeting or would you like someone who is here to do that.

Mr. Snyder commented it is no problem, he can chair it.

Adoption of Ordinance 14-2016

Mr. Snyder made a motion to adopt Ordinance 14-2016 "AN ORDINANCE AMENDING CHAPTER 161 LAND DEVELOPMENT AND CHAPTER 218 SIGNS". (Mayor Giordano will be stepping down from Ordinance 14-2016). Seconded by Mr. Rathbun.

Mr. Rathbun made a motion to open to the public any comments regarding Ordinance 14-2016. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Limon, Rathbun, Snyder (via phone)

Nays: None Absent: Fantasia Abstentions: None

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented the Mayor [stepped down on ordinance 14-2016] but he is signing the ordinance. Would that be a legal issue.

Mr. Prol commented it is fine.

Mr. Rathbun made a motion to close to the public any comments regarding Ordinance 14-2016. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Limon, Rathbun, Snyder (via phone)

Nays: None Absent: Fantasia Abstentions: None

Upon roll call vote on Ordinance 14-2016:

Ayes: Dabinett, Limon, Rathbun, Snyder (via phone)

Nays: None Absent: Fantasia Abstentions: None

Mayor Giordano returned to the meeting and the dais.

Adoption of Ordinance 18-2016

Mr. Rathbun made a motion to adopt Ordinance 18-2016 "AN ORDINANCE AMENDING CHAPTER 230 REGARDING SOLID WASTE IN THE BOROUGH OF FRANKLIN COUNTY OF SUSSEX AND STATE OF NEW JERSEY". Seconded by Mr. Dabinett.

Mr. Rathbun made a motion to open to the public any comments regarding Ordinance 18-2016. Seconded by Mr. Limon. All were in favor.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented on recycling. Mr. Kidd commented on 203-1 preparation of collection and read that section. It is outdated. Mr. Kidd asked about item F.

Mrs. McHose and Mr. Prol explained the ordinance.

Mr. Limon made a motion to close to the public any comments regarding Ordinance 18-2016. Seconded by Mr. Rathbun. All were in favor.

Upon roll call vote on Ordinance 18-2016:

Ayes: Dabinett, Limon, Rathbun, Snyder (via phone)

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Nays: None Absent: Fantasia Abstentions: None

EXECUTIVE SESSION

There was no executive session.

OPEN PUBLIC SESSION

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

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented on the Habitat of Humanity. Mayor Giordano explained. Mrs. Tatka asked in January it was mentioned there will be cameras and read all the places the cameras would be placed. What is the story? Mayor Giordano explained. We haven't done anything with the cameras yet.

Mrs. McHose commented there are no bids we got price quotes and she is still in the process of getting more and explained.

There being no one else present who wished to address the Governing Body, Mr. Rathbun made a motion to close the meeting to the public, seconded by Mr. Dabinett. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Rathbun commented he was approached by a member of the New Jersey Sportsmen Federation and Ducks Unlimited being we have a geese problem down at the pond. There are six gentlemen that are members of both organizations that are looking to find out how to go about the possibility of hunting the geese but from not by the pond but from over by the well property off of 517. How would one go about getting permission?

Mayor Giordano commented it is his understanding you have to have a permit to hunt geese, also on Borough property there are laws.

There was a discussion.

Mr. Dabinett thanked Mr. Martinez for all his work and wished him well.

ADJOURNMENT

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

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk