

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
September 13, 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: Ms. Fantasia, Mr. Limon, Mr. Rathbun, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Dabinett

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."

**PRESENTATIONS**

At this time the Mayor and Council presented Mrs. Rachel Heath with a Proclamation in recognition of being named the 2016 Sussex County Senior Citizen of the Year.

Mrs. Heath stepped forward for the presentation. Ms. Hough, Borough Clerk, read the Proclamation.

Mrs. Heath commented this is an honor, more so coming from the Franklin Council. Mrs. Heath thanked the Mayor and Council and the Borough for the Senior Center, we appreciated the facility and all you do for us.

**COMMITTEE REPORTS**

Mr. Limon reported the personnel committee supports a policy for the conference in Atlantic City. This is so we have something in place and we support that, this will be reported in the finance report. Mr. Limon reported due to a retirement in the DPW, we will be restarting the hiring process.

Mrs. McHose commented Steve Heller is going to retire at the end of this year.

Mr. Snyder reported on Buildings and Grounds, the children's park near the Senior building will be receiving a rubber matting and mulch to go up to code with what needs to be done. Clay is going to be put down on the girls softball field, this will be done in house. Mr. Snyder asked for an update on the stairs in front of the building.

Mrs. McHose commented we have determined it is a small job; we are getting quotes and hope to have that worked on before the change of weather.

Mr. Rathbun reported October 29, Recreation will be having their next event at 11:00AM the parade will start and then at 12:00 we will set up the food trucks, band and a bonfire for the night at the Firemen Pavilion. It is \$5.00 for admission.

Mayor Giordano commented this is called a Hullabaloo. Recreation is looking to expand the Halloween parade so they can have adults come and have a good time at a good Halloween party and bonfire Then explained the event.

Mr. Skellenger had nothing to report.

Ms. Fantasia reported EDC met this past Thursday, we discussed the Zinc Mine Tour, again thanking Mr. Allen for his assistance in walking through the site. EDC had a discussion regarding Paul Meacham and his use of the Senior Center and what forms were necessary to use the Senior Center for rehearsal purposes for his Theater. We opened the discussion for other possible locations for them to practice

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and have a permanent place to practice. EDC also discussed vacant properties and their next meeting is a joint meeting with Hardyston here at Franklin.

Ms. Fantasia reported the Finance Committee met last night, our plan to meet at the close of each month due to the fiscal situation. Ms. Fantasia commented the committee discussed legal and engineering bills and the tax department percentage of collection and explained the tax collection rate per quarter to date. The Administrator will be making calls regarding delinquent taxes. There was a suggestion/discussion on reporting late taxes to credit reporting. Mayor Giordano explained the reserve for uncollected taxes and levy increases.

Ms. Fantasia commented the committee discussed the NJ League of Municipalities Conference, which is on the agenda to discuss.

Mrs. McHose commented the bridge E-04 by the pond we are anticipating will be open tomorrow and explained. In addition, Mrs. McHose is meeting with the Chief of Police and the Borough Engineer to discuss reopening of High Street now that the bridge is going to be reopened and explained. Mrs. McHose commented in regards to her collection calls what will happen is October 6th will be the Tax Sale, what happens is if 2015 you had not paid your property taxes or delinquent on water and sewer that rolls over and now there will be a tax sale on your property if you don't pay up. Mrs. McHose will be making those calls in advance of the tax sale.

Mrs. McHose reported the Planning Board is moving forward with the Council's recommendation of Redevelopment and Rehabilitation zones and they will be meeting on September 19th.

Mr. Prol commented he will report on items as the meeting goes on.

Mayor Giordano commented the police car we ordered should be coming in shortly, the loader should be coming in shortly and we do have a meeting coming up with some developers. Mayor Giordano invited any Council members to meet with him and the developers. As a rule Mayor Giordano will not meet with a developer unless there are other people there, that is not fair or open and honest.

Mayor Giordano asked about the docks at the pond. Mrs. McHose commented we had rescheduled the delivery of the docks, the dock is coming hopefully by the next meeting it will be installed.

Mayor Giordano commented it has come to his attention there has been some apparent damming done on the Wallkill River above the pond, somebody has put a bunch of tires in the river to effect the bridge; we need to have Mr. VanDenBroek take a look at that.

Mr. Snyder commented a resident informed him on Wildcat Road several trees have fallen into the Wallkill [River] that need to be taken out also it could create a problem with the beavers damming it up.

Mayor Giordano commented the Main Street paving job is still on hold with the Transportation Trust Fund.

**OPEN PUBLIC SESSION**

Mr. Snyder 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.

Bob Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen spoke about a pamphlet and map on the Zinc Mine property. Mr. Allen had spoken with Tammy

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Horsefield and Kathy Steven from the paper and explained their conversation. Mr. Allen spoke about someone wanting to help clean up the Zinc Mine.

There was a brief discussion on the Zinc Mine Property.

Mr. Allen explained a letter he wrote to Trenton regarding swimming at the pond. Mr. Allen commented the Health Department records showed we can't have swimming [at the pond] because of the geese, get rid of the geese and you can start swimming.

Mrs. McHose commented we do have the DEP permit in hand and explained what the process would be regarding the geese.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented on the Church [Hungarian] on Main Street, what was decided.

Mayor Giordano commented this is still litigation, then Mayor Giordano clarified the church had the lease called in, the terms of the lease are such if the lease isn't followed the Borough would assume ownership of the building and explained. Mrs. Tatka commented this should be a question on the ballot.

Mrs. Tatka commented on the charge when you pay your taxes and water and sewer on line and asked where does that money go. Mayor Giordano explained it goes to the company that collects the money. Mayor Giordano commented he doesn't agree with that he would like to have swipe ability here but the CFO [went] a different route as far as using credit cards. Mrs. McHose commented it's because we have different bank accounts and explained.

Mrs. Tatka questioned the number of EDUs in the building across the street which will be back on the tax rolls. Mrs. Tatka also questioned the resolution on the League of Municipalities and asked about full time employees. Mayor Giordano explained the employees that would be eligible to attend the League of Municipalities.

Bob Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen spoke about the church on Main Street and fixing up Main Street.

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. 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. Letter dated August 25, 2016 from Helen Homeijer RN, BSN, Sussex Warren Chronic Disease Coalition Coordinator, to Franklin Borough Mayor and Council, Re: Pink Ribbons for Breast Cancer Awareness Month.
2. Letter dated August 25, 2016 from Ron Tappan, Acting County Administrator, to Mayor Nicholas Giordano, cc Sussex County Municipal Clerks Re: Merger of the Sussex County Health and Human Services Departments.
3. Memo dated August 29, 2016 from Robin Hough, RMC/CMR to Board of Health cc Mayor and Council Re: Registrar quarterly report, Food Handler Licenses issued and Dog Licensing.
4. Letter dated September 1, 2016 from Patrick Sinwich, Communications Officer, NJDEP.

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5. Resolution of the Township of Wantage, opposing the State Legislature's proposed increase of gas tax of \$.23 per gallon.
6. Resolution of Montague Township opposing Assembly bill 1780.

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

1. Construction Permit Activity report for August, 2016.
2. Construction report for August, 2016.
3. COH report for August, 2016.
4. Tax Department report for August, 2016.
5. Zoning Officer report for August, 2016.

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

1. Application for use of the Senior Center by Cub Scouts, Boy Scouts and Girl Scouts for their Trunk or Treat Scouts Halloween event on October 28, 2016 from 5:00pm to 10:00PM.

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

1. Payment of bills for the meeting of September 13, 2016.
2. Resolution 2016-80 authorizing the Borough of Franklin to enter into a Cooperative pricing agreement with Bergen County COOP. (This resolution was approved by the Governing Body on August 23, 2016. The resolution approved did not have the Borough of Franklin typed in the TITLE paragraph listed as the contracting unit.)

Mr. Limon made a motion to approve the consent agenda of September 13, 2016.

Ms. Fantasia asked to discuss before a second motion. Ms. Fantasia commented if you look at number 5 and number 6 on the consent agenda; number 5 is a resolution from the Township of Wantage opposing the State Legislatures increase of gas tax \$.23 per gallon and number 6 is a resolution from Montague Township Opposing the assembly bill 1780 and explained the difference between the two. Resolution number 6 from Montague Township has a roll call, date of adoption and approved. The Resolution from Wantage comes through with no adoption, no dating what so ever. Ms. Fantasia commented to point out again she questions why are we receiving resolutions for a specific issue that are not adopted or dated.

Mayor Giordano commented this is just correspondence, we are acknowledging that we received it, we are not acting on it or supporting it.

Ms. Fantasia commented that is not relevant. What she is saying is what is the expectation when we receive something and accept it as received but it is actually a document that came from another Municipality.

Mayor Giordano commented he thinks it is just entering into the record the Borough acknowledging we received it.

Mr. Limon commented if you want we can remove number 5 off the list.

Mr. Limon commented he will make that motion. Seconded by Ms. Fantasia.

Mr. Snyder commented with regarding to the dog census, there was a great job done by Mike Burns and he noticed quiet an increase from last year. There was 179 additional dog licenses and 33 additional cat license were issued.

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Mrs. McHose commented on the process Mr. Burns used when doing the dog census. Mrs. McHose commented Mr. Burns was a wonderful employee, he reported back to us and was very neat with his paper work.

Upon roll call vote with item 5 removed from the consent agenda:

Ayes: Skellenger, Snyder, Fantasia, Limon, Rathbun

Nays: None Absent: Dabinett Abstentions: None

**OLD BUSINESS**

Ms. Fantasia gave an update to the Council on the TAP grant for the pond that she is working on with Mr. Dabinett. Ms. Fantasia explained what projects the grant funds can be used for, the seven categories and the Borough's project falls into two of those, items that would have to be met for the grant to be considered, any funds used prior to the grant would not be reimbursable, the Borough would have two years to complete the project from when the grant is issued, engineer, having a Borough dedicated employee for the project and all plans need to be complete and submitted before November 10, 2016. Ms. Fantasia will email a time frame to the Council.

There was a discussion on the TAP grant.

**NEW BUSINESS**

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes and executive session meeting minutes for August 23, 2016. (Absent: Mr. Rathbun) Seconded by Mr. Limon.

Mr. Snyder commented reading through the minutes and the comment from Emily Bazelewich on [page 7] regarding the building across the Street; Dr. Bailey it should be Dr. Dailey.

Mrs. McHose commented Bazelewich is spelled wrong and needs to be corrected.

Upon roll call vote with the changes:

Ayes: Skellenger, Snyder, Fantasia, Limon

Nays: None Absent: Dabinett Abstentions: Rathbun

Resolution 2016-81

Mr. Skellenger made a motion to adopt resolution 2016-81, adopting a revised Plan 82-PD-Lincoln-050812. (This resolution was carried from the August 23, 2016 meeting.) Seconded by Mr. Limon.

Mrs. McHose explained the Resolution. Mrs. McHose explained the only role the administrator has is to verify the employee who is applying for the loan of their own money is verifying the employee is actually employed by the Borough.

Mr. Prol commented it does seem like you are authorizing the CFO to execute a certain administrative services agreement with Lincoln National Life Insurance Company and Lincoln Financial Group; you would also be authorizing her to execute other agreements that are necessary to implement the deferred compensation program it is permissible to authorize her to sign these things. Mr. Prol commented he didn't know if you wanted someone else reviewing those prior to her signing it; you can authorize with the consent of the Mayor or member of the Governing Body or Administrator.

Mrs. McHose commented she asked that today, it is two steps, you are correct, she is authorizing the creation allowing the amendment to our existing contract with Lincoln so that once she authorizes this change in our contract that will never

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happen again because it will be in place. The only thing she [the CFO] will be doing according to them is we have to list ourselves as administrator of this program there is nothing more for us to do except for verifying that the employee is here and a real person and explained problems in different areas of the State.

Mr. Prol commented he is pointing out to the Council you are authorizing the CFO to sign other agreements that may not necessarily have been seen or reviewed it is a function of your level of trust with her which he expects would be high but there are some other agreements there which he hasn't seen and maybe forthcoming and this might be an additional step to protect the Borough.

Mayor Giordano asked can we insert pending review by the Town Attorney.

Mr. Prol commented sure we can add that, the agreement "subject to review to legal Counsel prior to execution". Mr. Prol asked for an amendment to that affect. On the second page two of two where the language currently says and such other agreement we would be inserting "subject to review by the by legal Counsel prior to execution".

Upon roll call vote with the change stated:

Ayes: Skellenger, Snyder, Fantasia, Limon, Rathbun

Nays: None Absent: Dabinett Abstentions: None

Discussion and approval of resolution 2016-82

Mr. Skellenger made a motion to discuss and approve resolution 2016-82 setting the expenditure amount per person for the New Jersey State League of Municipalities Conference.

Mrs. McHose commented the personnel committee and the finance committee where both in agreement to make this resolution about the food allowance, the Borough had no prior policy on the amount an employee, Councilmember or Mayor could be reimbursed while attending the League of Municipalities. The suggestion of the two committees was \$100.00 per day that means that receipts would have to be submitted for the meals while they were at the convention. The League of Municipalities is an educational opportunity there are several excellent classes that are offered for both employees who have certifications and also for elected official and administrators who have the opportunity to attend sessions and events at this conference.

Mayor Giordano asked for a second on the motion. Seconded by Mr. Snyder.

Mayor Giordano commented for the record, Franklin never had a policy in regards to this prior, we looked at this and talked about this previously that it would be a good idea to have a policy not that anyone would abuse it but it is good to have policy's employees have policy's they have to follow so we should have policy's that we have to follow. Setting a limit is fair if we need to change it next year we can always change it.

Ms. Fantasia commented costs wise we were discussing there are specific training lunches if there is one for elected official so on so forth, some of those lunches are from \$35.00 to \$45.00, that is also bound by this as well. So if you elect to [attend those] you may submit that as part of the allowance but the reimbursement may not exceed \$100.00 even if you elect to go to special luncheons while you are there.

Upon roll call vote with the changes:

Ayes: Skellenger, Snyder, Fantasia, Limon, Rathbun

Nays: None Absent: Dabinett Abstentions: None

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Resolution 2016- 83

Mr. Rathbun made a motion to adopt resolution 2016-83 authorizing the Borough Clerk to renew the following liquor licenses for the 2016-2017 licensing term;

1906-33-009-0012 Franklin silver Ducat II LLC.

(This license required a special ruling from the Division of Alcoholic Beverage Control which was provided in the Council's packet)

Seconded by Mr. Snyder.

Upon roll call vote with the changes:

Ayes: Skellenger, Snyder, Fantasia, Limon, Rathbun

Nays: None Absent: Dabinett Abstentions: None

Resolution 2016-84

Mr. Limon made a motion to adopt resolution 2016-84 renewing membership in the Morris County Cooperative Pricing Council, authorizing the execution of an agreement with the Morris County Cooperative Pricing Council to renew the membership therein for the period of October 1, 2016, through September 30, 2021. (Agreement provided in the Council packets.) Seconded by Mr. Rathbun.

Upon roll call vote with the changes:

Ayes: Skellenger, Snyder, Fantasia, Limon, Rathbun

Nays: None Absent: Dabinett Abstentions: None

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Rathbun made a motion to adjourn into closed executive session to discuss Litigation.

Mr. Prol commented the items to be discussed in executive session are the following: **Four Winds Litigation**

Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Skellenger, Snyder, Fantasia, Rathbun

Nays: None Absent: Dabinett Abstentions: Limon

Mr. Limon left the meeting at this time and was not present during executive session.

After meeting in closed session, the Governing Body returned to their seats at 9:15 p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

**OPEN PUBLIC SESSION**

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

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented on the \$100.00 for the League of Municipality is for meals. Mayor Giordano commented yes. Mr. Durina per day. Mayor Giordano commented it is per day. Mr. Durina commented the resolution says it is \$100.00 per person to attend, he would have thought that was for all three days. Mayor Giordano commented we left the dollar amount blank to clarify the resolution should say " therefore be it resolved the

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Governing Body of the Borough of Franklin hereby approves expenditure of up to \$100.00 per day per person to attend"

Mr. Prol commented \$100.00 per day per person was what was adopted.

Mrs. McHose commented the reason we included as a per diem is because sometimes people don't go for the four days; they might go for one night or drive down for one day. Mr. Durina commented it isn't for rooms. Mrs. McHose commented it is a cap on food.

Mrs. Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented this \$100.00 per day it is for food. Mayor Giordano commented the rooms are provided for by the Borough. Mrs. Tatka commented on the resolution. Mayor Giordano explained what cost would be paid. Mrs. Tatka commented on the cost of the League in previous years.

There was a discussion on the resolution regarding the NJ League of Municipalities.

Mrs. McHose commented for the record the agendas are prepared in advanced by law, in the past we never put the resolutions in the back, the public was very [interested] in seeing these resolutions. This is a work in progress it has draft across it, both the finance and personal committee had not yet met to discuss this. The Mayor suggested we go forward to try and draft a document that caps spending because he is concerned about the tax payers.

Mayor Giordano commented the documents has a blank for dollar; we discussed it and changed it [the resolution] during the discussion.

Mrs. Tatka commented on the resolution being miss leading and explained. Mrs. McHose commented maybe we shouldn't put the resolutions out if they are not ready.

Mayor Giordano commented does anyone have an issue with putting \$100.00 per day per person to attend the NJ League of Municipalities for reimbursement of food. Mr. Prol explained this was not intentional or misleading and explained.

Mayor Giordano asked the Council if we are going to keep the resolution the way it was. Mayor Giordano commented we will keep it the way it is.

Emily Bazelewich, Mill Street, Franklin, stepped forward. Mrs. Bazelewich commented on the tables down at the pond and shooting the geese/ducks. Mrs. Bazelewich commented on the restroom facilities at the pond.

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

**MISCELLANEOUS COMMENTS**

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 9:30p.m., seconded by Ms. Fantasia. All were in favor.

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Nicholas Giordano, Mayor



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Robin Hough, Borough Clerk