

**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
January 10, 2017**

Council President Dabinett called the meeting to order, and explained Mayor Giordano could not be here tonight for personal reasons so as Council President he will be presiding over this meeting. Council President Dabinett 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. Rathbun, Mr. Skellenger and Mr. Snyder.

Absent: Mayor Giordano

Council President Dabinett led the assembly in the flag salute.

Council President Dabinett 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

Ms. Fantasia asked Mr. Prol if the intention is to request an executive session this evening; is now the time to request that.

Mr. Prol commented you can make a motion at the start of the meeting or at the end of the meeting is what he recommends and explained a case law. Mr. Prol recommended you have executive session one time either at the start or end [of the meeting] it is up to the Council. Mr. Prol commented at the end after you handle all of the business you can make a motion then and we will explain to the public what will be discussed, inform them the approximate amount of time and if we expect that action may be taken after [executive session].

Ms. Fantasia reported on EDC. We have our first meeting of the year this Thursday, the 12th at 7:00pm, we will be welcoming a couple of new members to EDC. The first meeting of the new Land Use Board is a week from today January 17, 2017, here, at [Borough Hall] there will be the reorganization meeting of that group. At that time the Board will choose a Chairman. As far as finance [committee], our CFO is closing out our last calendar year now so having a meeting the first week of the new year was not possible. We hope to have a meeting the last week of January or the first week in February.

Mr. Skellenger had nothing to report.

Mr. Rathbun had nothing to report.

Mr. Snyder reported last year we had some issues with building and grounds with regards to repair, we need to get the security systems, we are waiting for bids on those. Mr. Snyder commented he believes the floors were cleaned down at the Senior Center, we are looking at replacing the carpet down there sometime this year. Also, the air conditioning units that we need to replace, that will be a priority, we need to go forward with the next few months, on Borough Hall itself. We still have ongoing issues from last year with regards to building and grounds.

Mr. Limon reported as for recreation he sees he is on that this year, he was not at the reorganization meeting and apologized. Mr. Limon commented he will be at the next recreation meeting which is this Thursday at 7:00pm and will report back on that.

Mr. Dabinett reported on the Public Utility meeting. We met on January 5th, we discussed our list of things going forward that we would like to accomplish this year. There was some discussion on a letter we received from Mr. Deacon, that will be addressed shortly. Mr. Dabinett commented we received a letter from Mr.

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VanDenBroek requesting the hiring of a part time meter reader possibly to discuss in executive session. Mr. Dabinett commented finally today the insurance adjuster got back to look at the burned-up dump truck we have down at the Borough Garage. They sent somebody else this time, he had a chance to talk to the adjuster for a few minutes to give the adjuster his thoughts but John Rome went along with the adjuster and hopefully in the next couple of days we will get an estimate back.

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. Skellenger.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented on the cost of the Board of Health from the County and on the tax bill there is a separate Board of Health charge, so there must be one total charge given to the town. Mrs. Tatka asked if we can eventually find out what that is. Mrs. Tatka commented on the Freeholder meeting in various towns, and would like to see if Franklin can encourage a Freeholder meeting to be held in Franklin. Mrs. Tatka asked who was paying the Viaduct light bill and explained. Mrs. Tatka asked about the police car. Mr. Dabinett explained there was an estimate given on the police car but didn't know if the adjuster looked at the police car today. Mrs. Tatka asked if anything is held against the patrolman for this driving without any siren and explained. Mrs. Tatka asked how many employees in the town are still getting longevity pay. Mr. Dabinett explained we are probably down to three or four. Mrs. Tatka asked if the employees are still allowed to stock pile their unused leave time so that when they retire we have to pay them a big payout.

Mrs. McHose explained there is a cap the State put on the police and asked Mr. Prol if that was all employees too. Mr. Prol commented he would have to look into this.

Mrs. Tatka commented on there being no guidelines for the Board of Health. Mrs. Tatka commented on the vacant houses behind her house and the new owner doesn't know he has to replace that driveway and explained why and explained people should be made aware of what they need to do before they put money into a house.

Mr. Dabinett commented when they file for permits they should be told what they have to do up there. Mrs. McHose explained the situation with the owner of this property.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath thanked the powers to be for doing the floors at the Senior Center, they did a great job and it is really nice to go in there and see nice floors. Mrs. Heath commented the day after Thanksgiving her neighbor an elderly man fell in his driveway, he hit his head and was on unconscious, we called for an ambulance. It took almost a half hour for them to get there, the man was laying in the rain unconscious, the police came but there wasn't anything they could do. The ambulance was out of the area, they finally came then the paramedics came. Mrs. Heath commented one way or another we have to get this resolved and explained

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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.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

CONSENT AGENDA

Council President Dabinett 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 December 30, 2016, from Alice Brees, AICP, PP Principal Planner, Sussex County Department Re: Municipal Chapter for County Wastewater Management Plan (WMP).
2. Letter dated December 22, 2016, from Margaret Nordstorm, Executive Director, NJ Highlands Water Protection and Planning Council, to Mayor Giordano, Re: Highlands Water use and Conservation Management Plans.
3. Letter dated December 23, 2016, from John Hatzelis, Administrator, Sussex County Municipal Utilities Authority to Mayor Giordano Re: Actual Annual charge FY2016, quarterly estimated charge FY2017 and SCMUA Sewage Treatment Services.
4. Letter dated December 20, 2016, from Patrick J. Sinwich, Communications Officer, Bureau of Communications and Response Services, NJDEP to Municipal Clerk, Re: Suspected Hazardous Substance Discharge Notification.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity report for December, 2016.
2. Construction report for December, 2016.
3. COH report for December, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of the Senior Center from Dawn Inglis, Girl Scout Troop 897, Wallkill Valley Girl Scout for Fridays through 2017 from 6:30 – 9:00PM and waive the fees.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 10, 2017.

Mr. Limon made a motion to approve the consent agenda of January 10, 2017. Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

OLD BUSINESS

Mr. Rathbun commented in reference to the application dated 12-13-16, [from] the Sterling Plaza. Mr. Rathbun commented he would like to make a motion to deny that application based on our sewer ordinance. Seconded by Mr. Skellenger.

Mr. Dabinett commented for the public's knowledge, we received a letter from Mr. Deacon on his office building down at 517, the building is now vacant he wanted the Board of Public Works not to charge him the EDU's from the first of the year until he gets his project completed down there and our Borough ordinance specifically

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forbids it. The recommendation of our [Public Utility] Committee to the Council was to deny it.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Mr. Snyder commented with regarding to an update on the Hungarian Church, we haven't heard anything recently and wanted to know where we are at with it. Mr. Snyder commented he saw there was an expenditure with it in the vouchers this meeting and it was really unexplainable and didn't sign it because he didn't know what was going on with it. Mr. Snyder commented it was another charge that will be forthcoming and he doesn't believe we should be entertaining it.

Mrs. McHose explained what occurred here with the conveyance from the Historical Society of the keys and the list of what was being turned over to us [the Borough] the contents of the building. Also, there was outreach from the Historical Society, that there were two bills they were paying that were very minimal, one was an electric bill and one is Elizabeth-Town Gas. The thought process with talking with Mr. Brady and the Mayor was rather than shut the service off we will keep it, we are waiting to get an update from Mr. Brady and explained there was no response from the Bank.

Mr. Prol explained discussions he had with Mr. Brady.

Ms. Fantasia commented at the last meeting she had discussed the Fire Tablets that we were going to get, in the minutes from the last meeting it said Kindle, it is not Kindle it is Amazon Fire Tablets, she sent the estimates and explained what she had been researching. Ms. Fantasia commented she would like everyone to look at this and discuss it and perhaps put it on the next agenda to start getting rid of this paper and start saving some money.

Mr. Snyder commented he thinks this is a good idea and hopes we go through with this because we have spoken about it previously, it has been probably over a year we were talking about this.

Mr. Limon asked where we are at with LOSAP, of having that ready for 2017.

Mr. Dabinett commented to his knowledge it hasn't been brought up since last year.

Mr. Limon commented he wants to make sure what happened last year [doesn't happen again] a week late, right now we are at the first of the year and whoever has the lead on this not sure if it is Mr. Snyder or Ms. Fantasia.

Mr. Snyder commented we are going forward with it this year, we needed to know by the second meeting in August last year to get this on the ballot but at that time we were not ready to put this on the ballot. Mr. Snyder commented we have to educate the public on what this is all about and we need the volunteers to help explain to them what this is all about. Mr. Snyder commented on the Clerk having a file on LOSAP ready to go.

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for December 27, 2016. Seconded by Mr. Rathbun (Absent: Mr. Skellenger, Mr. Snyder)

Upon roll call vote:

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Ayes: Fantasia, Limon, Rathbun, Skellenger [then changed to abstain see comments below], Dabinett

Nays: None Absent: Mayor Giordano Abstentions: Snyder, Skellenger

Approval of the Reorganization Minutes

Mr. Skellenger commented with the last vote he needs to change his [vote] to abstain.

Ms. Hough asked Mr. Prol if that was ok to change [his vote] after she says passed.

Mr. Prol commented yes, we will make a note for the Clerk to change that.

Mr. Skellenger commented on the Reorganization minutes the only thing he saw was Mr. Crabb's name was spelled wrong.

Mr. Skellenger made a motion with that change [Crab to Crabb] to approve the reorganization meeting minutes for January 1, 2017. (Absent: Mr. Limon) Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Fantasia, Rathbun, Skellenger, Snyder, Dabinett

Nays: None Absent: Mayor Giordano Abstentions: Limon

Resolution 2017-14

Mr. Rathbun made a motion to adopt resolution 2017-14 to approve a coin toss Fundraiser for the Franklin Fire Department for January 28th and 29th, April 1st and 2nd, July 29th and 30th and November 18th and 19th for 2017. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Fantasia, Rathbun, Skellenger, Dabinett

Nays: None Absent: Mayor Giordano Abstentions: Limon, Snyder

Public Utilities Committee Meetings

Mr. Rathbun made a motion to approve the 2017 meeting dates for the Public Utilities Committee to be held on the Thursday prior to the Mayor and Council meetings.

Mrs. McHose asked Mr. Prol to explain why this doesn't need to be advertised. Mr. Prol explained there is no quorum or public meetings issues here. Mr. Dabinett explained why he wanted to post the meeting dates for anyone in the public that would like to address the committee can do so. Mr. Prol commented as long as there is no quorum of the council it doesn't need to be noticed under the Open Public Meeting Act.

Seconded by Ms. Fantasia.

Mr. Rathbun read the dates for the public utility committee meeting.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Appointments to the Land Use Board

Mr. Rathbun made a motion to confirm the following Mayoral Appointments to the Land Use Board:

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Land Use Board

| | | | |
|-------------|-----------------|--------------|----------|
| Class I | Mayor | Term expires | 12-31-17 |
| Class II | Jim Williams | Term expires | 12-31-17 |
| Class III | Dawn Fantasia | Term expires | 12-31-17 |
| Class IV | John Christiano | Term expires | 12-31-17 |
| Class IV | Wes Suckey | Term expires | 12-31-20 |
| Class IV | Louise Murphy | Term expires | 12-31-19 |
| Class IV | Nathan Foulds | Term expires | 12-31-17 |
| Class IV | Steve Zydon | Term expires | 12-31-20 |
| Class IV | Glenn Soules | Term expires | 12-31-17 |
| Alternate 1 | Jim Nidelko | Term expires | 12-31-18 |
| Alternate 2 | Floy Estes | Term expires | 12-31-18 |
| Alternate 3 | Sean Kidd | Term expires | 12-31-17 |
| Alternate 4 | Richard Knop | Term expires | 12-31-17 |

Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Mrs. McHose commented for the record the reorganization meeting of the new Land Use Board will be on Tuesday, January 17, at 7:15 will be the reorg and 7:30 will be the regular meeting of this new Land Use Board.

Appointments to EDC

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

| | | | |
|--------|---------------|--------------|----------|
| Member | Rafael Burgos | Term expires | 12-31-17 |
| Member | Ted Bayles | Term expires | 12-31-17 |

Seconded by Mr. Rathbun.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Resolution 2017-15

Mr. Snyder made a motion to adopt resolution 2017-15 awarding the Non-Fair and Open contract for Professional Services to Anthony J. Den Uyl, Esq. providing the services as Municipal Prosecutor for the year 2017 in the amount of \$17,500 payable in monthly payments. Seconded by Ms. Fantasia.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Resolution 2017-16

Mr. Snyder made a motion to adopt resolution 2017-16 awarding the Non-Fair and Open contract for Professional Services to James P. Sloan, P.C. Esq. providing the services as Conflict Municipal Public Defender at the rate of \$150.00 per client. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Appointment of Substitute Crossing Guard

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Mr. Limon made a motion to confirm the Mayor's appointment of Jacqueline Shofner as substitute crossing guard as recommended by Lynn Warr Prtorich, Head Crossing Guard letter dated January 5, 2017. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Ms. Fantasia made a motion to adjourn into closed executive session to discuss personnel matters. Motion seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Mr. Prol asked on an estimate amount of time this will take. Ms. Fantasia commented about 20 minutes. Mr. Prol asked do you expect that the Council may take action once they come out. Ms. Fantasia commented there may be action.

After meeting in closed session, the Governing Body returned to their seats at 8:16 p.m. and Council President Dabinett declared the meeting to be reconvened into open public session.

Mr. Skellenger made a motion to return from executive session. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder, Dabinett [see comment below]

Nays: None Absent: Mayor Giordano Abstentions: None

Mr. Dabinett asked about his vote.

Ms. Hough apologized and called Mr. Dabinett.

Mr. Dabinett vote yes to return from executive session.

Ms. Fantasia commented based on our discussion in executive session and our desire to update our Municipal Code to a line with the State she will make the following motion to add to the agenda for our next meeting Article II Municipal Code Powers of the Council to amend 5-4 and 5-5 to read as per N.J.S.A. 40A:60-6 in its entirety and under Powers of the Mayor to amend our Municipal Ordinance 5-7 a,b and c to read as per N.J.S.A. 40A: 60-5 in its entirety. This will help streamline and bring us matched with what the State Statues are for Powers of the Council and Powers of the Mayor. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Mr. Prol commented that will be on for first reading at the next meeting, this will be a repeal of an ordinance and explained.

Ms. Fantasia commented when we come back from executive session we inform the public of what we discussed and asked Mr. President to explain.

Mr. Dabinett commented we discussed the possibility of hiring a part time meter reader for the Department of Public works.

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Mr. Prol commented and general employee raises.

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.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

Joann Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka questioned the general raises asking if they are additional raises or 2017 raises, and asked about keeping at the 2%.

Rachel Heath, 7 Hemlock, Franklin, stepped forward. Mrs. Heath congratulated the Council on their transparency, that is the first time she ever had an explanation of an executive session and she knows you have to stay in your guidelines but it is appreciated.

Michael Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked the Council if they knew on High Street one of his fellow residents was storing over an excess of 1,000 gallons of salt grin on their property within 5 feet of their property line.

Mrs. McHose explained and there was a brief discussion.

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. Skellenger.

Upon roll call vote:

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

Nays: None Absent: Mayor Giordano Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Skellenger commented he wanted to congratulate former Mayor Paul Crowley it was in the New Jersey Herald today he was named Grand Marshal of the St. Patrick's Day Parade. Mr. Skellenger asked if the Council was ok with it; he would like to work with Mrs. McHose and Mayor Giordano to prepare something to recognize him maybe at the next meeting.

Mrs. McHose commented Robin has already started work on this, we will definitely have this at the next meeting.

Mr. Skellenger asked if you would invite Paul Crowley to the next meeting.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:26 p.m., seconded by Mr. Skellenger
All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk