

**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  
April 11, 2017**

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. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Rathbun (Arrived during executive session)

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, there was a presentation with Ken Nelson, Borough Planner on Affordable Housing.

Mr. Nelson, Borough Planner, stepped forward. Mr. Nelson referred to his memo he prepared for the Planning Board dated March 14, which he believes everyone received copies of. Franklin has done quite a bit in terms of affordable housing over the years, as much or more than most in the State. Two years ago, the rules changed again and instead of dealing with the Council on affordable housing each Municipality if it wants to get certified to protect themselves from litigation involving affordable housing has to go through a court structured process where a housing plan is prepared submitted to a judge and then the judge ultimately decides if you are certified. Which then protects you from litigation in connection with affordable housing for 10 years. Many municipalities have proceeded and gone to court to get certified. Mr. Nelson commented he has been involved with a number of Municipalities in doing that; he can tell you it is time consuming and a very costly process. It is still somewhat uncertain as to how this is all going to play out in the long term. In his memo to the Planning Board he recommended to that Board and he is recommending to the Council that Franklin continue to sit on the sidelines for a while to see how this plays out before you jump into this process and spend the money and time associated with it. Of course, he defers this to the Borough Attorney in that regard but he believes the Planning Board Attorney agrees with him on that point. Mr. Nelson makes that recommendation for several reasons and explained. Mr. Nelson commented the Council with the advice of the Borough attorney will make the decision as to when you want to move ahead in the future.

There was a discussion on all the time and money put into this in the past, guidelines in affect now, COAH funds, making sure the Borough follows all the rules, concern over the money the Borough has now for affordable housing to be taken away and having the Borough Attorney look into this matter further.

**COMMITTEE REPORTS**

Mr. Limon reported on personnel; they are reviewing the applicants for the meter reader, we are hoping to have the recommendation for the Council for hire and resolution at the next meeting. Maggie Rodriguez is resigning effective May 1, she will help train her replacement, we need to put the ad in the NJ Herald. Also, we will be interviewing the Sergeant candidates very shortly.

Mayor Giordano commented the personnel committee is listed on our committee assignments as personnel and negotiations. Councilman Skellenger and the Mayor had a discussion about it. Mayor Giordano commented his opinion is he thinks we make the personnel committee the personnel committee.

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Mayor Giordano commented if it is ok with the Council he would like to drop the negotiations part from the personnel committee, however we could either do an ad hoc committee or let the personnel committee handle it; but he would like to drop that negotiations committee.

Ms. Fantasia commented she is confused because she never interpreted negotiations to be with anything but personnel, for instance let's say buildings and grounds is negotiating something, she takes it in the language the way it is now that negotiation means personnel.

Mayor Giordano commented in the past the previous Mayor had, had negotiations for different things, he is trying to be proactive, he wants to make sure it is done right, he doesn't feel the title for that committee is right so all he would like to do is drop it.

Mr. Limon asked Mr. Skellenger how he felt about this. Mr. Skellenger commented he thinks it would solve any potential or any disagreement in the future [as to] who is in charge of handling what type of situation.

Ms. Fantasia asked if there was a situation where something was going on with buildings and grounds, as an example, then people from personnel felt they were going to go in and negotiate.

Mr. Dabinett commented he isn't clear as to who is going to do the negotiations.

Mr. Skellenger commented for example if we were dealing with the rifle range, the public safety committee took the lead in this negotiation as to what was going on with that. We would handle that, then go back to personnel and negotiation committee existing, it is the committee handling that situation should be the one handling the negotiation not bringing anyone else or another group into it.

Mr. Skellenger made a motion to eliminate negotiation.

Mr. Dabinett commented for clarification now it is going to the personnel committee.

Mr. Skellenger made a motion to remove negotiations from the personnel committee.

Ms. Fantasia commented if we remove the term negotiation, you are [changing] the title because you just said remove negotiation from the personnel committee.

Seconded by Ms. Fantasia.

[Note: The conversation above was to remove the word negotiation from the title listed on committee assignment personnel and negotiation. The motion was only to change the title to personnel committee.]

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mr. Limon commented the fishing contest is this Saturday and the Senior Spring Fling is the following Saturday and we will be announcing the Senior of the Year for 2017. There is a recreation meeting this Thursday at 7:00PM.

Mr. Dabinett reported on public utilities; under old business we have a client who is now in the rears of \$17,894 on his water bills. On February, the 23<sup>rd</sup> Mrs. McHose

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and Mr. Dabinett at his request sent a letter stating we would shut his water off as of today he hasn't responded. So, under old business he would make a motion and ask the Council to authorize to contact the Board of Health and make a recommendation to shut his water off. The man owns six properties in town, he will bring that up under old business.

Mayor Giordano commented you can bring that up now.

Mr. Dabinett made the motion.

Ms. Fantasia asked is it the same [person] as last year.

Mr. Dabinett commented it is the same party.

Seconded by Mr. Skellenger.

Ms. Hough commented and the motion is?

Mayor Giordano commented the motion is that we are going to authorize Mrs. McHose to contact the Board of Health.

Mr. Dabinett commented he would give them to about the 23<sup>rd</sup> of this month.

Mr. Prol commented his recollection of last year the motion of last year was over a certain value of unpaid bills, anyone over \$15,000.

Mr. Dabinett commented that is correct.

Mr. Prol commented the motion would reflect the value of \$15,000.

Mayor Giordano commented we amend the motion to the value of \$15,000.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mr. Dabinett reported on April 5<sup>th</sup>, there was a preconstruction meeting with Smith Sody, the contractor that is going to pave Main Street. All the curves and sidewalks will be done before the Memorial Day Parade. There was a discussion on the curves, sidewalks and street sweeping. Mr. Dabinett commented he had a call from investors regarding 517 property, they wanted to discuss water and sewer. For public knowledge, this is an investor that is coming in and proposing 2300 units down along 517 and explained he intended to put a new well in and a new sewer pumping station in. There was a discussion on the property on 517 and Main Street paving. Mr. Snyder asked about the closure of Main Street.

Mr. Snyder reported on buildings and grounds, there is progress (on the air conditioners) there was going to be a third bidder but unfortunately that bidder was unable to make a bid. Talking with Mr. VanDenBroek to find out when another bidder would come forward he expected that to happen this week. With that we would be about to put it on the agenda for the next meeting and pick a bidder. Mr. VanDenBroek confirmed the fact if it is done and put on the agenda by the next meeting he feels that it would be done by the end of May.

Mr. Snyder commented the girls' softball field has had clay delivered previous years, this year there is another delivery and the expenditure would be roughly \$1,000 he hasn't spoken to the full committee but he is going to ask the Council how they feel. There is also another expenditure with regards to the cabinets in the recreation

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building at the pond which is \$2,000 and coming forward with two more recommendation with regards to the girls' softball scoreboard and putting a new little league football scoreboard. An expenditure roughly around \$6,000. Mr. Snyder explained the line items for those expenditures.

Mr. Limon commented the clay is needed but he isn't sure about the cabinets and explained. There was a discussion on the clay, cabinets, the concession stand, recreation budget and line items for various items needed for field use.

Mr. Snyder would like to make a motion for \$1,000 for clay and \$2,000 for cabinets for the recreation stand down at the pond.

Mr. Prol commented to bifurcate the two.

Mayor Giordano commented so we have two motions on the table.

Mr. Prol commented to restyle the motion, the first motion is \$1,000 for clay.

Mayor Giordano commented we have a motion for \$1,000 for clay.

Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mayor Giordano commented a second motion is for approval of the cabinets for roughly \$2,000.

Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mr. Skellenger commented all his committees reported already, he just wants to add to Mr. Dabinett in regards with the developer for 517. The amount of building he was looking to build was ten of them and they would include one, two and three bedroom units and explained the breakdown of the buildings. Mr. Skellenger commented for public safety we have an executive session.

Ms. Fantasia reported this Thursday the 13<sup>th</sup> there is a joint EDC meeting with Hardyston at 7:00PM at the Hardyston Municipal Building. The Planning Board meets Monday the 17<sup>th</sup> here at 7:30PM. As far as the finance committee we are still waiting Trenton's approval of the budget, she spoke to the CFO, hopefully by the next meeting we will have a yes to whether the budget is approved or not. As far as our first quarter performance Mrs. McHose is making phone calls again for water and sewer. Ms. Fantasia requested from the CFO the first quarter collection rate to report accurately at the next meeting.

Mayor Giordano commented we had a Mayor's summit here in Franklin on Saturday. We went over some of the issues in all the towns in the County. Mayor Giordano explained issues that were discussed at the Mayor's summit and which Mayor's in the County were present. Jim Williams was present, we are trying to get him actively involved in writing public safety grants.

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Mayor Giordano commented the County Freeholders are doing a tour; he would like to ask the Council if we can extend our hand and ask them to come to our town to do their meeting one night here. Mayor Giordano commented he would ask Mrs. McHose to send an email to their clerk.

**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. Dabinett. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on the congressman coming to Franklin, he has a long road ahead of him and explained. Mr. Durina asked if anyone remembered Tommy Morris and gave a brief history of him and his enthusiasm for Franklin. Mr. Durina commented he would like to volunteer to come up to Borough hall six hours a week, three days a week and not get involved with any politics he will make coffee, run to the post office with no pay he would like to give back with all the new regulations. Mayor Giordano commented he would like to see as many volunteers as we can.

Mr. Prol commented we have to work through issues and liability with workman's comp and things like that.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked if the Borough was getting the police car through the State. Mayor Giordano explained. Mrs. Tatka commented Senator Oroho's goal was to get some of that school money back to the County and he hasn't gotten anywhere with that. We should get on that so we can get more school aid. Ms. Fantasia explained what is presently being done. Mrs. Tatka asked why the Administrator was making phone calls. Mayor Giordano explained. Mrs. Tatka asked how many applications were received for the Sergeant position. Mayor Giordano explained it is a promotion process. Mrs. Tatka asked about the CLEAR program and if the Franklin Police participate in it. There was a discussion on the CLEAR program. Mr. Prol explained the program. Mrs. Tatka commented on how many employees are left receiving longevity and Wildcat Road being shut down for the road work.

Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto asked if the person that owes on the water bill is it from all six properties. Mr. Dabinett explained. Mr. Raperto asked about the height of the building proposed on 517. Mr. Raperto commented we do have a height restriction of 35 feet. Mr. Raperto asked if any buildings that are being torn down if the fire department can get in there and train.

Jennifer Giordano, 42 Mabie Street, Franklin, stepped forward. Mrs. Giordano commented she is very appreciative of the help with the clay and concession stand but she just wants to ask in the future, things that involve recreation to talk with recreation. They had different ideas for the concession stand for storage and keeping equipment. Cabinets were never really used by recreation at this point the cabinets are bought, paid for and ready for delivery.

Mr. Snyder commented Mrs. McHose, Administrator advised him today that was not the case it was cancelled until she received approval from us to do that. It was called and cancelled until our approval.

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. Skellenger. All were in favor.

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**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. Memo dated April 6, 2017, from Robin Hough, Municipal Clerk to Mayor and Council and Board of Health, Re: Dog and Cat Licenses.

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

1. Register quarterly report for January – March, 2017.
2. Tax Collector report for March, 2017.
3. Finance quarterly report for January – March, 2017.
4. Construction permit activity report for March, 2017.
5. Construction report for March, 2017.
6. COH report for March, 2017.
7. Zoning Officer report for March, 2017.

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

1. None filed.

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

1. Payment of bills for the meeting of April 11, 2017.

Mr. Limon made a motion to approve the consent agenda of April 11, 2017. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

**OLD BUSINESS**

There was no old business for tonight's portion of the meeting.

**NEW BUSINESS**

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for March 28, 2017. (Absent: None) Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Memorial Day Parade

Mr. Limon made a motion to accept the request from the American Legion Post 132 to hold their annual Memorial Day Parade on, May 29, 2017; parade line up at the Legion Post at 10:00AM, parade starts at 10:30AM. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Discussion on Criminal Background Check

At this time, there was a discussion regarding criminal background checks for applicants applying for games of chance.

Mayor Giordano commented he would like the Clerk to discuss this, she went to a class and found out a little bit regarding games of chance.

Ms. Hough explained going to a class, someone representing the State was there going over the application process. One of the things they were talking about was the criminal background check for games of chance. The previous attorney had

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done an affidavit for the applicant to sign that they never committed a crime and it has to be notarized. Ms. Hough commented she has seen applicants want to take their name off of the application because they do not want to sign the affidavit. Ms. Hough asked the representative from the Legalized games of chance if that (affidavit) take the place of the background check and he said no so have to start doing the background checks and explained her conversation with the Borough Attorney.

There was a discussion on background checks, is this something required, question on the clerk memo, background check for coaches, tow truck drivers and games of chance, ordinance now is four years. Mr. Prol commented on the background check being good for the term of the license [registration identification card from the State] which is good for two years. Discussion on each person having a background check and if having someone that had a background check for a sports team will that be accepted for a game of chance. Mr. Skellenger commented based on his knowledge when working for Pope John, he had to have a background check through the department of education, when he worked for Motor Vehicles he had to have a different background check. Ms. Hough commented Mr. Skellenger is correct, when she spoke to Wendy [at the police station] she explained each thing you do you need a background check for.

Mayor Giordano commented to refer this to the ordinance committee and work with Mr. Prol on this to come up with something appropriate. Ms. Hough commented she has started with the background check requirement and the turn over time was quick and gave an example.

There was a discussion on the cost. Mr. Limon commented he isn't going to support this and questioned if this was state mandated. Mr. Limon commented on doing this as we have done along. Mr. Prol explained the law. Mr. Limon commented if this is part of her job have her incorporate that in her job not an ordinance.

Mr. Dabinett commented this is amending the ordinance already, not a new ordinance.

Ms. Fantasia asked what is the cost of the background check. Ms. Hough commented \$40.69. Ms. Fantasia commented that is a considerable amount cheaper than a background check for education or for a multitude of other things, it really is not incredibly cost prohibited.

Mr. Limon commented if this is required by the State and part of her job just institute it is as part of the job don't make another ordinance. Mayor Giordano asked Mr. Prol if we can do that. Mr. Prol commented it is an ordinance so we need to correct it, that was the purpose of referring this to the ordinance committee and they can have this discussion and come back here and we will then make the appropriate motion.

Mayor Giordano commented send it to the ordinance committee, they review it and say we want to amend the ordinance, they will come with an amended ordinance we will vote on it. If they say not what we want to do is institute a policy that reflects the State law but not necessarily in the ordinance that would be something they can do.

Mayor Giordano commented he will refer this to the ordinance committee.

Resolution 2017-35

Mr. Limon made a motion to adopt resolution 2017-35 authorizing the purchase of a police vehicle; one 2016 Ford Police Interceptor SUV, all-wheel drive in the amount of \$37,296.50.

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Mr. Dabinett commented we are actually buying a 2017 vehicle not 2016.

Mr. Limon commented he will switch that to 2017.

Mr. Skellenger commented the resolution is wrong to it has 2016 so we have to amend that as well.

Ms. Fantasia commented for the record we are just authorizing the purchase when the budget is approved by Trenton, the quote is good for 60 days. We did get an excellent price but we are not making the purchase until we hear back from Trenton.

Mr. Prol commented subject to the approval by the CFO.

Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mr. Skellenger asked to go back to the cabinets, he is all for working so that we are all on the same page, if they [recreation] are not 100 percent sure if we are going to use it or not why don't we hold off on it until the recreation meeting on Thursday.

Mayor Giordano commented that is a great idea, Mr. Skellenger is requesting that we delay the decision to make the cabinet purchase until recreation has a chance to go over it. We will bring it back up at the next meeting.

Mr. Prol commented there are two ways to handle this, one is to leave it alone and just tell Mrs. McHose tomorrow she shouldn't buy it or make a motion to rescind the approval.

Mr. Skellenger made a motion to rescind the approval of the cabinets. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Fantasia, Limon, Skellenger, Snyder, Dabinett

Nays: None Absent: Rathbun Abstentions: None

Mr. Snyder commented going forward with expenditures this year making sure they do the right thing, encumber the money that they need to encumber if they want to have expenditures for the rest of the year when the budget comes out.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Skellenger made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Ms. Fantasia. All were in favor.

- **Franklin Rifle Range**

After meeting in closed session, the Governing Body returned to their seats at 9:06p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Rathbun was present when the Governing Body returned from executive session.

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Mr. Skellenger made a motion to return from executive session. Seconded by Mr. Snyder. All were in favor.

**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. Skellenger. All were in favor.

Jennifer Giordano, 42 Mabie Street, Franklin, stepped forward. Mrs. Giordano asked when you are doing your research on gaming license and background checks; questions came up from recreation regarding background check and explained. Mrs. Giordano asked about sports groups and background checks.

Mayor Giordano commented the Chief will have to be included in this.

Judy Williams, 279 Wildcat Road, Franklin, stepped forward. Mrs. Williams commented she has many concerns regarding the background checks; she is not against the idea but there are a lot of unanswered questions which was handled very well tonight with bringing up all these questions among each other. Mrs. Williams voiced her concerns on the background checks and the cost on the organizations. There was a discussion on the concerns.

Mayor Giordano asked Mr. Rathbun, didn't our recreation member have a problem when they wanted to use the Littel Center.

Mr. Rathbun commented we couldn't chaperon the dance because we didn't have it, [background check] he doesn't recall if it was everyone had to have it or have it for Hardyston. Mr. Rathbun commented when he was president of softball they used to do one for every town we played in.

Mayor Giordano commented if you did the background check for Franklin they accepted the background check in Hardyston, Hamburg and Ogdensburg. Mr. Rathbun commented we didn't go to Franklin we went to Sparta.

Mr. Skellenger commented it is the program entity, like you said you had it for softball and it was universal across the board, he got it for motor vehicle and he can work in an agency. When he got the background check for Pope John, he can work in another school with it.

[Note: To clarify the above statement by Mr. Skellenger, the background check he had was for coaching at Pope John, for coaching it is interchangeable but for teaching they are not.]

Mayor Giordano asked Mike Raperto to come up to the microphone. Mike Raperto, 13 South Street, Franklin, stepped forward. Mayor Giordano commented Mr. Raperto is going through a difficult time with zoning and parking in front of his house on South Street. Mr. Raperto wants to use reinforced grass that you can park a car onto.

Mr. Raperto commented it will not turn to mud it won't kill the grass. This is considered a driveway and there are only three surfaces through the town ordinances you can use and explained. There was a discussion on the use of reinforced grass. Mr. Raperto asked about the fees on the background checks.

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

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**MISCELLANEOUS COMMENTS**

Mr. Skellenger commented he is vice chair of the Sussex County Young Republican Club; tomorrow night if you don't know who is running for Assembly the candidates will be at the Homestead Restaurant for a meet and greet night. Everyone is welcome no cost.

**ADJOURNMENT**

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

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Nicholas Giordano, Mayor

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Robin Hough, Borough Clerk