

**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
October 10, 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: 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, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 5, 2017, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

Mayor Giordano commented we are going to move recognition of the Recreation Commission to the next meeting.

Mr. Robert Tessier, from the NJ Department of Community Affairs will be presenting the Main Street Targeted Strategic Plan.

Mr. Tessier commented he works with Local Planning Services of the Department of Community Affairs, he worked with a group of planners, they did this Strategic Plan and we sent the Council copies of Main Street Targeted Strategic Plan. The Local Planning Services at the request of Mayor's throughout the State goes out and provide a free no cost service to do some tactical planning for Municipalities. We have done this and prepared this draft plan. He is very familiar with Franklin, we have been out doing site investigations we have had a working committee we met with, we met with the Planning Board, we met with the Mayor and we have reviewed your existing plans, which were your Master Plan, Master Plan update. We have prepared this draft and we have come up with this Strategic Concept to offer to you we are hoping after we present the plan and you have a chance to review the plan then recommend the plan to the Planning Board. Mr. Tessier commented he has spoken to Ken Nelson, Borough Planner; what we would like to see is you recommend this to the Planning Board for their review and they could adopt this as part of the Master Plan.

At this time Mr. Tessier gave a power point presentation of the Main Street Targeted Strategic Plan, reading and explaining the plan; improvements, costs, park and having police presence.

Mr. Tessier commented these are the steps we are recommending you do; Refer the plan to the Planning Board for adoption, authorize a planner to start right away in the A and R plans which will create this new zoning and the residential opportunity. We say that the commercial is optional in our recommendation on the first floor but we feel that is an impediment if you make it required because there is not a commercial demand. We also would like you to vacate that section of Parker Street, you would have to look at a turn around for the home that is there but he doesn't believe that is a big construct and then you are going to have to spend some money. Mr. Tessier commented he is thinking the total amount is about \$150,000, that if you spend on this one block that would include the cost for the planning, to do a solicitation; you would have the opportunity to get Main Street Revitalized. Certainly, it will look different when you drive down the street and that is the first step hopefully to attracting private capital and continued to explain the cost.

Mayor Giordano thanked Mr. Tessier.

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Mr. Rathbun asked about parking for the Theater and used Newton as an example. Mr. Tessier spoke about having acting classes at the theater and use it for training. There was also a discussion about parking on Main Street and maybe using the existing church [Historic Hungarian Church] for a community center, coffee house etc.

Mayor Giordano asked about grants for this. Mr. Tessier commented he doesn't think there are any funds available and explained. There was a discussion regarding grants.

Mrs. McHose thanked Mr. Tessier.

Mr. Tessier asked if this document was going to be forwarded to the Planning Board. Mayor Giordano commented if it is the Council's pleasure to forward this plan to the Planning Board. Mr. Tessier commented if you do that then we will go back and have our graphic artist person fix it up and make it look shiny and send that copy to them [Planning Board] to look at.

Mayor Giordano asked the Council if there were any issues with having Mr. Tessier sending this to the Planning Board. Mayor Giordano commented we will refer this to the Planning Board. Mr. Tessier commented when he gets the final copy he will give this to Mrs. McHose.

COMMITTEE REPORTS

Mr. Limon reported we had the carnival last week, we don't have any updated numbers yet. Also, there was a personnel meeting; Mrs. McHose will fill you in on the salary ordinance range we discussed at that meeting.

Mr. Snyder had nothing to report.

Mr. Rathbun had nothing to report but he would like to congratulate recreation for the wonderful carnival.

Mr. Skellenger had nothing to report.

Ms. Fantasia reported this Thursday we have a Joint EDC meeting with Hardyston here at Franklin at 7:00pm. On October 16, we have a Planning Board meeting at 7:30PM. Ms. Fantasia commented as far as a finance report she reviewed and spoke with Councilman Snyder tonight, he is doing a preliminary review of the budget and where we stand now. We have our tax collection rate set in stone for the first two quarters and explained the collection rates. There is a bit of a delay with this quarter because of our temporary tax collector, she hopes at our next meeting we have solid numbers to report. Ms. Fantasia commented we do have a notice being placed for our tax sale which will be held Tuesday, October 31, at 10:00am. There will be an ad placed in the paper and it shall run three consecutive weeks before the sale.

Mrs. McHose reported she met with the personnel committee, she had her first meeting with the FOP to start contract negotiations, we have scheduled two additional meetings. She has another meeting set up with the new non-managerial staff that have formed a union so she is meeting with them. We also discussed tonight previously the Council had recreated the position of deputy municipal clerk so tonight on the agenda is the salary range, we are just amending the existing salary range ordinance to include the deputy municipal clerk. Mrs. McHose commented she would like to compliment the Recreation Commission on the carnival, it went really well, it was different to have it in September but she thinks

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everyone really enjoyed it. We had a lot of great compliments on it and we have decided to keep it in September. Moving forward we will also talk about having a Franklin Day event in either June or July, we also talked about doing it on Main Street to sort of add what Mr. Tessier said, maybe close down a portion of Main Street, have some live music and some vendors; sort of a street fair.

Mrs. McHose commented the DPW is busy continuing to get things ready for the fall and we appreciate all the work that they do. We also received a great compliment, they [DPW] helped out tremendously at the mineral show which was held at the Littell Center this year and the DPW as you know takes care of the outside of the Littell Center and we received a nice letter that is on the consent agenda.

Mayor Giordano asked if the paving on Wildcat was done. Mrs. McHose commented it is done in one day.

Mr. Prol had nothing to report.

Mayor Giordano commented he has something recreation has asked him to bring up, they will be doing a Halloween parade and they are also working on possibly in conjunction with the Halloween parade afterwards doing some type of even maybe trunk or treat. Recreation was looking at the possibility of maybe using that secondary event on their time if the Borough would allow them to help raise some funds for a person who has cancer. It is not a recreation event but it is something that will happen after the Halloween parade. Mayor Giordano asked if anyone has any problems with recreation doing that.

Mayor Giordano commented the carnival went well, the numbers were pretty good, we didn't make as much as last year, it was a different day. The idea of having a Franklin Day he thinks is something the Council will appreciate and it is something to look forward to.

Mr. Snyder suggested for next year's carnival on Saturday and Sunday you might start a little earlier, and asked about the hours. Mayor Giordano explained about the rides, maybe the start time can be earlier. Mr. Snyder commented his suggestion would be that start on Saturday earlier. There was a discussion back and forth.

Ms. Fantasia asked Mr. Rathbun if there was a meeting with the fire department regarding LOSAP. Mr. Rathbun commented no there wasn't he is going to try and get that done early this week coming up. Ms. Fantasia asked for an update on the Fireman's Parade.

Mayor Giordano commented Franklin had the best overall Fire Department and the best antique and we had the oldest fireman there as well.

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 Ms. Fantasia. All were in favor.

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented you are never too old to learn, she apologized if she offended anyone at the last meeting. Mrs. Tatka asked when was the Halloween parade. Mayor Giordano commented October 28, at Rutherford and Main Street. Mrs. Tatka asked about how much was spent so far regarding Arthur Thibault, Esq. There was a discussion back and forth. Mr. Prol explained the non-fair and open process.

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Mrs. Tatka asked how much was in the Mildred Harden fund. Mayor Giordano commented he doesn't have that information in front of him. Mrs. Tatka commented Wildcat Road is paved but no lines. Mayor Giordano commented if you provide me with your questions say on Friday before the meeting he will have the answers at the meeting. Mrs. Tatka spoke about the new fire truck, the bays and costs for the truck. There was a discussion back and forth.

Mr. Snyder commented he believes the Milly Harden fund has not be touched at all, we only used the interest of the fund, the \$100,000 is still there.

Ms. Fantasia commented she forgot to mention regarding the fire truck, Monica [Miebach CFO] had reached out to Camy Kovach Fire Trucks and she still says this is the best financial deal after speaking to them and explained.

Mr. Limon explained why the bays at the fire house cannot be lifted up and the fire house was built by volunteers not through tax payers money.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented you are talking about the fire truck and questioned not going out for three bids; you spend \$600,000 and did not go out to bid. Mr. Prol commented this is a process handled by the QPA and explained the process and using a state contract. There was a discussion back and forth.

Mr. Prol commented this all gets vetted through Monica she has the license as a QPA she has to comply with the law, when she has a question she comes to me but she is pretty solid in what she does with stuff so she has been really careful and conservative in her approach on this, she is monitoring this very carefully she is making sure the Borough's money is best spent in this situation.

Mr. Durina commented he questioned how this is being financed, he doesn't think anyone in the room would go out and spend \$600,000 without getting three bids whether you are a government agency or whether you are a private agency. Mr. Durina spoke about getting competitive bids. There was a discussion back and forth.

Mr. Durina commented if it is in Monica's hands he feels comfortable. Mr. Prol commented it is all in her hands.

Dawn Rowe, 140 Munsonhurst, Franklin, stepped forward. Ms. Rowe commented she thinks the fire department should get whatever they need great job. Ms. Rowe spoke about her concern over the height of new buildings, if there is a fire and explained.

Mike Raperto, 13 South Street, Franklin, stepped forward. Mr. Raperto spoke about the reinforced grass and the ordinance. Mayor Giordano commented he spoke about the head of the ordinance committee this evening. Mr. Raperto spoke about the bays at the firehouse and spoke about the new fire truck being a stock fire truck and explained. Mr. Raperto asked what the Council plans on doing with the old fire truck. Mayor Giordano explained several options.

Emily Bazelewich commented with all this talk about a fire truck, she lives in a high rise five floors up and how it ever passed the Planning Board with no access in the back and no fire escapes and explained. Mrs. Bazelewich spoke about parking and asked when are they going to put the signage between Mill Street and Main Street before another accident happens.

Mayor Giordano commented we actually passed the parking ordinance, so we have to wait for the waiting period and explained.

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Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath congratulated everyone for their success on the carnival. Mrs. Heath commented the rumor out there was that Milly Harden money has been used and she feels responsible for her money because she hired her many years ago. The interest went for recreation. Mrs. Heath commented nowhere in this town is a plaque for Milly Harden and it would be nice to have something in her name.

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 Ms. Fantasia. 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. Memo dated September 25, 2017 from Melissa Rockwell, CTA, Sussex County Board of Taxation, Re: 2017 Abstract of Ratables for Sussex County.
2. Letter dated September 26, 2017 from Richard T. Hammer, Commissioner, NJDOT, to Mayor/Freeholder Director/County Executive Re: Local Freight Impact Fund grant program.
3. Township of Byram Resolution 155-2017 in support of Assembly Bill No. 4532 and Senate Bill No. 3049 amending the Open Public Records Law.
4. Letter dated September 28, 2017 from Dana M. Burley, Clerk of the General Assembly to Franklin Borough Council Re: Assembly Resolution No. 216.
5. Memo dated October 2, 2017, from Robin Hough, RMC/CMR to Board of Health, Re: Food License update.
6. Letter dated September 27, 2017, from James Van Fleet, to Brian VanDenBroek, Public Works Department Manager Re: Cooperation of the Franklin DPW.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department report for August, 2017.
2. Construction Permit Activity report for September, 2017.
3. Construction report for September, 2017.
4. COH report for September, 2017.
5. Registrar quarterly report for July 2017 to September 2017.
6. Health report for June, 2017.
7. Health report for July, 2017.
8. Zoning Officer report for September, 2017
9. Police Department report for September, 2017.
10. Finance report activity to October 4, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

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

Mrs. Fantasia commented we did receive a wonderful letter complementing our DPW and Brian VanDenBroek from James Van Fleet for the fall Franklin Mineral Show, it is very nice to see when our departments and department head get glowing reviews for the work that they do.

Mayor Giordano commented they [DPW] did a great job with the carnival as well. Mr. Snyder made a motion to approve the consent agenda of October 10, 2017. Seconded by Mr. Skellenger.

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Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett 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 September 26, 2017. (Absent: Mr. Snyder) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger

Nays: None Absent: Dabinett Abstentions: Snyder

Hillside Estates Mobile Home Park License Renewal

Mr. Limon made a motion to approve the renewal of the 2018 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

Resolution 2017-67

Mr. Rathbun made a motion to adopt resolution 2017-67 authorizing bidding for the proposed improvements to Buckwheat Road. (Bid specs included in the Council packets.) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

Introduction to Ordinance 16-2017

Mr. Rathbun made a motion to introduce an ordinance 16-2017 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISTION OF A NEW FIRE TRUCK BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION." Seconded by Mr. Skellenger.

Public hearing will be held October 24, 2017

Upon roll call vote:

Ayes: Fantasia, Rathbun, Skellenger,

Nays: None Absent: Dabinett Abstentions: Limon, Snyder

ADDENDUM

Appointment to EDC

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

Member Michael Raperto Term expires 12/31/17
Seconded by Ms. Fantasia.

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Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

Introduction to Ordinance 17-2017

Mr. Skellenger made a motion to introduce an ordinance 17-2017 entitled "AN ORDINANCE TO AMEND CHAPTER 161, THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF FRANKLIN, REGARDING THE MIXED ACTIVE ADULT (MAAH) HOUSING DISTRICT". Seconded by Mr. Rathbun.

Public hearing will be held November 14, 2017.

Mr. Prol explained we entered into a settlement agreement at the last meeting, and a component of that settlement agreement is that we are going to take up a recommendation of the Borough's Planning Board as written in the 2016 Master Plan reexamination report regarding a modification to the zone that was known as the Mixed Active Adult Housing District. Mr. Prol summarized the ordinance and explained the ordinance process for a zone change and the Municipal Land Use Law.

Mayor Giordano commented we are explaining everything and everyone will have the time they need to speak their mind and their voices will be heard, this is not something that is going to happen behind closed doors, it will be explained to give everybody the most honest and through explanation as to what is going on and give them all the opportunity that they could possibly have whether it be support or opposition. That is why he asked Mr. Prol go explain the process.

Ms. Fantasia commented in the most basic terms possible, this property was already owned by someone; zoned at 250 units of age restricted housing, March 21, 2016 the Planning Board voted unanimously that that should be increased by 20% and remove the age restriction. This is about a year and a half ago they recommended that to us as the Governing Body. Ms. Fantasia commented she wanted to clarify because there seems to be some confusion as to why is the Council quote on quote is "Over Ruling" the Planning Board and that is confusing to her, because the Planning Board a year and a half ago recommended to us this very change for which now we are moving forward on.

Mr. Prol commented when the Planning Board denied the application they had recognized the Governing Body had not considered to review or change the ordinance so they honored the Governing Body law.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

Road Closure Request

Mr. Skellenger made a motion to approve the road closure request from the Recreation Commission to close Rutherford and Main Street for the annual Halloween Parade to be held on Saturday, October 28, 2017 line up is at 4:00PM. Seconded by Mr. Rathbun.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

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Introduction to Ordinance 18-2017

Mr. Skellenger made a motion to introduce an ordinance 18-2017 entitled "AMENDING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". (Note: Adding the Deputy Municipal Clerk position as created by Ordinance 13-2017.) Seconded by Mr. Limon.

Public hearing will be held October 24, 2017.

Upon roll call vote:

Ayes: Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: Dabinett Abstentions: None

OPEN PUBLIC SESSION II

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

Ian Sherwood, 189-193 Cork Hill Road, Franklin, stepped forward. Mr. Sherwood commented a year and a half ago this was voted on. but yet if you all listened to the proceedings by the Planning Board like he did. So, he is confused as to where a year and half something is voted on and nobody did anything to take care of it and now because somebody comes along to push everybody around, now is the time that we want to stand up and make changes. Now after it has already been voted on now is the time and he doesn't understand it. Mr. Sherwood commented he also wanted to know we are saying the buildings are 55 feet again if we all listened to the proceeding we would know the buildings presented were going to be in the low 40's and now all of a sudden things are changing the building sizes are changing. This affects him directly and explained how this will hurt his business. There was a discussion back and forth.

Dawn Rowe, 140 Munsonhurst, Franklin, stepped forward. Ms. Rowe commented she lives on a piece of property that has been rezoned over and over again and she lives there, it can be rezoned whether somebody owns it or not. That section of Munsonhurst Road has been rezoned several times and explained. Ms. Rowe asked who gets input in the Master Plan. Mr. Prol explained. Ms. Rowe asked where does rezoning start, this was rezoned to satisfy this [project]. What is the process. Mr. Prol recommended her to go to the Planning Board to make any recommendations. Ms. Rowe commented last Planning Board meeting she was here and there was not a meeting it was not on the website. Mrs. McHose explained the meetings with a combined Board. There was a discussion on the website.

Joann Tatka, 151 Mable Road, Franklin, stepped forward. Mrs. Tatka asked what we want to know is are you going to be doing a vote after this executive session.

Mr. Prol commented action may be taken but at this point he doesn't envision something to vote on but you never know.

Mrs. Tatka asked on the [salary] ordinance are you taking the confidential secretary position out since you are putting in the deputy municipal clerk.

Mrs. McHose commented that has not been determined yet this is just putting the title on the ordinance. It is amending the salary ordinance; the person who is being considered for the deputy municipal clerk is a confidential assistant she has multiple jobs but that doesn't mean we are hiring someone else.

There was a discussion back and forth on adding the position to the salary ordinance. Mrs. McHose added there may be a new salary because it is a new job.

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Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath asked are you going to advertise this position or not.

Mayor Giordano commented we have someone we have been training to do this type of job we are transitioning.

Mrs. Heath asked what if someone else in the Borough wanted to apply for this position, to her this should be advertised. Mrs. Heath asked why do you have an open public session two before your executive session. Mrs. Heath commented yes you do need a deputy clerk.

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 Ms. Fantasia. All were in favor.

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 **JCM Potential litigation and a potential challenge by an objector**. Motion seconded by Mr. Rathbun. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:49p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

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

OPEN PUBLIC SESSION III

Mr. Rathbun 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.

No one the public stepped forward.

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. Rathbun. All were in favor.

MISCELLANEOUS COMMENTS

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:50p.m., seconded by Mr. Rathbun. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk