

**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
AUGUST 14, 2018**

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. Crabb, Ms. Fantasia, Mr. Limon, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Postas

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, 2018, and posted on the Borough website, which adequate notice has been certified by the Clerk."

Mayor Giordano informed the public the agenda order will be changed slightly so that our auditor can speak regarding the Annual Audit. Mayor Giordano invited Mr. Tom Ferry, CMA to step forward.

Thomas Ferry, Auditor stepped forward. Mr. Ferry commented he will go over bullet points of the financial condition of the current fund, water/sewer utility and the comments and recommendations in the audit. Mr. Ferry started with page 7 which is like an income statement for the current fund, it shows the revenues vs. the expenditures with a 2-year comparative and explained the fund balance. Mr. Ferry moved to page 24 stating this is the same, the statement of operations for the water & sewer utilities, explaining how the revenues have exceeded the expenditures, what was taken in and adding to the fund balance. Mr. Ferry commented the Borough is doing pretty good with the current fund and the water/sewer utility. Mr. Ferry explained the Municipal debt on page 40, the 3 years equalized valuation which is the calculation the state uses. The Borough's net debt percentage is .657, lower than 1 percent slightly higher than a half a percent, which is very good. Mr. Ferry commented we are at a good debt ratio and able to balance our budget with that. Mr. Ferry stated Monica (Miebach), CFO has a plan to pay off our Bond Anticipation Notes within a ten-year period so that the Borough doesn't need to issue permanent bonding. Mr. Ferry referenced page 64 explaining the different Municipal tax rates for 2015, 2016 and 2017, showing that the Borough has maintained the same Municipal tax rate for 3 years. Also, on page 64 are the tax collection rates for the last 3 years which shows delinquent taxes increasing due to the tax collection rate decreasing. On page 65 are the fund balances for the past 5 years and explained the current fund balance at the end of 2017 of 2.520 million. The fund balance is slowly increasing which is a good sign, in 2018 we anticipated offsetting taxes keeping the tax collection rate the same as it has been for the last 3 years. Mr. Ferry also explained the water/sewer fund balance stating the utility is in good shape.

Mr. Limon commented the tax collection rate going down even though the Borough is making collection calls.

Mayor Giordano explained the tax burden on the Borough from the School and County agencies when they don't get paid.

Mr. Limon commented on the recommendations in the Audit being the same every year.

Mr. Ferry explained the auditing levels and the differences between minimum auditing standards and government auditing standards and what his responsibilities are and the procedures that must be followed when preparing the audit.

Mr. Crabb commented on improvement of the Borough's credit rating.

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Mr. Ferry explained Bond Anticipation Notes, interest, fund balances and how they impact the credit rating.

A discussion continued on fund balance policies, ratables, credit rating companies and ways to raise ratings.

Ms. Fantasia commented on the Corrective Action Plan and asked Mr. Ferry on possible recommendations beyond the hiring of additional employees that would be actionable by the Governing Body to address the Corrective Action Plan.

Mr. Ferry explained the 2 items listed and recommended having staff in all departments educated on procedures needed to be followed.

Mayor Giordano commented we will move on to agenda items 3 and 4.

Resolution 2018-76 Certifying review of the 2017 Audit

Mr. Skellenger made a motion to adopt resolution 2018-76 certifying the Franklin Borough Governing Body has reviewed the 2018 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Mr. Snyder.

At this time, the Governing Body will sign the Certification of the Annual Audit Group Affidavit Form.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution 2018-77 Corrective Action Plan

Mr. Skellenger made a motion to accept and approve for filing the corrective action plan for the Audit Report year 2017 prepared and filed by the Borough's Chief Financial Officer. (Corrective Action Plan attached.) Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Mayor Giordano requested the Personnel Committee and Mr. Ferry to meet to discuss potential solutions to the items on the Corrective Action Plan.

COMMITTEE REPORTS

Ms. Fantasia commented the Finance Committee met last week and were informed the water and sewer collections are slightly up from last year. Ms. Fantasia stated interviews are taking place with Brian VanDenBroek, DPW Supervisor & the administrator for two full-time positions, one is for a general laborer and the second is for a buildings & grounds/general repair laborer.

Ms. Fantasia commented she has received a request to send road closure requests to the County and to the Chief of Police for the 2 nights of the fireworks on September 28th & 29th for the Carnival.

Ms. Fantasia stated she was invited to attend a presentation by a group named the TIC Squad. It is a group of volunteers who created a lyme and tic borne disease support group. Ms. Fantasia explained the presentation and passed out literature to the Council suggesting the group be invited to do a free presentation through the Forward Franklin Alliance.

Mr. Limon commented there was an Ordinance Committee meeting last night. Items discussed was the property maintenance ordinance which we are waiting for additional information for and the sign ordinance review, which we (the committee) will be able to move forward with now that we have gotten clarification as to the issues with the signage at the strip mall where the Bagel Tree is located. Mr. Limon stated there wasn't an August EDC meeting, the next scheduled meeting is September 6, 2018. Mr. Limon thanked everyone who showed up at the fair to

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support his daughter Carmella who came in first runner up at the Queen of the Fair contest.

Mr. Skellenger had nothing to report.

Mr. Snyder commented on the signage installation for Main Street.

Mayor Giordano questioned the status of the camera installations under buildings & grounds. Mr. Snyder explained the installations that have begun at Borough Hall.

Mr. Crabb commented on updates for the Neighborhood House. The committee met and discussed getting suggestions from residents and the children as to what they envision the Neighborhood House to be so that we could have them at the next formal committee meeting. Suggestions can be sent to Borough Hall either by mail or email.

Ms. Fantasia commented on the timing of the notification on potential costs associated with the Neighborhood House. Ms. Fantasia also commented on the Littell Center Agreement and the need to review options with recreation space.

Mr. Snyder commented the Littell Center Agreement has about 4 months until it expires. We (the council) will need to research other locations soon; Franklin School, Churches or whether to stay with the Littell Center.

A discussion on the Neighborhood House projections continued.

Mr. Ursin had nothing to report.

Mayor Giordano commented on a memo he received from the zoning officer regarding a request from Braen Stone for posting signs on Corkhill Road related to their operations.

Mr. Crabb commented on speed limit signs to help address the speeding issues with the trucks.

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. Skellenger. All were in favor.

Mr. Ursin stated there may be members of the public that would like to address the Council tonight regarding an incident that occurred at the pond and informed the public Franklin Borough has been served with a tort claim notice indicating Ms. Ayala is claiming 1 million dollars in damages and intends to sue the Borough of Franklin. Mr. Ursin explained due to the notice and potential litigation being filed he has instructed the Council they cannot comment or answer any questions regarding the incident.

Lindsay Campbell, Stanhope, representing the Sussex County Chapter of National Organization for Women stepped forward. Ms. Campbell expressed the disappointment by the incident that occurred between Michelle Ayala and certain employees of the Borough at the Franklin Pond on July 31st. Ms. Campbell read a statement explaining public breastfeeding facts and how the incident brought awareness to many that education is still needed. Ms. Campbell also commented on Administrator McHose's time as Assemblywoman mentioning strides she made while holding that office. Ms. Campbell commended Officer Nick Della Fera who responded admirably and respectfully to the incident. Ms. Campbell concluded her statement commenting on a press release and then requesting an apology from Donna Vreeland and Administrator McHose.

Mike Gunderman, 22 Jenkins Road, Franklin stepped forward. Mr. Gunderman commented on the bad condition of the road at the intersection of Edsall Road and Jenkins Road as well as pot holes, washouts and gravel on other roads in that area and requested the DPW be contacted to address the issues. Mr. Gunderman

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commented on the beach washout and offered suggestions to help fix the problem. Mr. Gunderman also commented on problems with roosters in the area.

Steve DeFinis, 17 Kovach Street, Franklin stepped forward. Mr. DeFinis handed out surveys to the Council.

Mayor Giordano commented Mr. DeFinis is requesting approval to beautify an area in the Borough right-of-way next to Kovach Street.

Mr. DeFinis commented the growth in the area is unsightly. Mr. DeFinis explained conversations he had with the zoning officer regarding his intentions for the property.

Mr. Ursin explained a process that needs to be taken; including formal input from the (Borough) engineer prior to asking the Council to allow improvements on Municipal property in a Municipal right-of-way.

Rachel Kabbash, 127 South Rutherford Ave., Franklin stepped forward. Ms. Kabbash commented on placing speed limit signage on South Rutherford Ave.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka commented on ordinances of other towns regarding ducks, chickens and roosters. Ms. Tatka asked about a curfew ordinance within the Borough. Ms. Tatka commented on the Auditor's recommendations regarding staffing. Ms. Tatka also commented on screening of potential employees during the hiring process.

Sheryl Krause, 160 Munsonhurst Road, Franklin stepped forward. Ms. Krause thanked the Franklin Police Department in the handling of the breast feeding incident, it made her proud to be from Franklin.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented the "Changing the Face of Addiction Walk" that took place in Franklin that takes place every year was a good thing and would like to acknowledge that. Ms. Rowe also commented on training and education for all.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Ms. Heath commented on issues with the Tax Collector's hours and suggested the possibility of investigating shared services. Ms. Heath also commented on the success of the walk (Changing the Face of Addiction Walk) and the presence of volunteer police officers from all over including Franklin Police and Franklin Police Chief McInerney but would have liked to have seen others there too. Ms. Heath thanked the Council for facilitating the event.

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

CONSENT AGENDA

Mayor Giordano requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from the Township of Vernon in support of the Highland Region Enterprise Zone.
2. Letter dated August 7, 2018 from Monica Miebach, CFO to Mayor and Council and Alison McHose regarding the successful bidder for the Bond Anticipation Note.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police department revised overtime report – June 2018
2. Police department report – July 2018
3. Construction Report – July 2018
4. COH Report - July 2018
5. Construction Permit Activity Report - July 2018
6. Zoning Officer Monthly Report - July 2018

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APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for use of Franklin Senior Center Pavilion and area around from Cindy Space, Franklin Nutrition Site, for September 12, 2018 from 10:00 am-2:00pm.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 14, 2018.

Ms. Fantasia commented on item 1, resolution from the Township of Vernon in support of the Highland Region Enterprise Zone, asked the Council to review this item carefully and the impact it could have on our town. Ms. Fantasia also commented she would like to possibly have a discussion on this at the next council meeting.

Mr. Crabb made a motion to approve the consent agenda of August 14, 2018. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Crabb made a motion to approve the regular meeting minutes for July 24, 2018. (Absent: None) Seconded by Mr. Limon

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution 2018-75

Mr. Crabb made a motion to adopt resolution 2018-75 that the current year's taxes shall not be subject to interest until the 25th day after the tax bill for the third quarter installment is mailed. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution 2018-78

Mr. Limon made a motion to adopt resolution 2018-78 to authorize the Tax Collector to refund Dennis Malvasi and Loretta Marra, 165 Wildcat Road, Block 2201, Lot 1, \$841.50 for May 25-June 30 of the 2nd quarter taxes and cancel the 3rd and 4th quarter taxes due to the Department of Veteran Affairs' certification of permanent disability effective September 27, 2016. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Discharge of Mortgage

Mr. Limon made a motion to confirm the Discharge of Mortgage on August 14 2018, for Anna Hughes, 62 Nestor Street, Franklin, in the amount of \$9,950.00. Seconded by Mr. Crabb.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

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Mayor Giordano requested Mr. Ursin comment on the Aquatic Technologies Service Contract regarding the damage at the beach.

Mr. Ursin explained approvals for expending funds for emergency situations that sometimes happens when the engineer declares an emergency has occurred and funds need to be expended immediately. Mr. Ursin stated he believes the Council is aware of the damage to the beach and explained the memo from the Borough engineer in which he indicated the potential for invasive growth (weed) taking root in the swim area of the pond.

Contract for Services

Mr. Crabb made a motion to approve Aquatic Technologies, Inc. contract for services for the treatment of duck weed and water meal in the swim and beach area in the amount of \$1,200.00 per treatment as recommended by Thomas Knutelsky, Borough Engineer. (Thomas Knutelsky letter of recommendation and Aquatic Technologies Inc. contract included in Council packets) Seconded by Mr. Skellenger.

Mr. Crabb commented on his confusion regarding treatments past and present for weeds taking root in the pond. Mr. Crabb also commented on setting a precedence for future storms.

Mr. Snyder commented on water flows and flooding contributing to the problem at the pond as a result from storms.

Ms. Fantasia commented the memo mentions not only the chemical treatment but the hand and machine removal needed for the growth.

A discussion continued on the weed growth and treatments continued.

Upon roll call vote:

Ayes: Crabb, Fantasia, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Mr. Snyder commented on resolution 2018-75, he would like to remove the word Township in the 3rd paragraph.

Mayor Giordano commented for the record we are changing the word Township in the 3rd paragraph of resolution 2018-75 to the word Borough, it is considered a scribe's error.

EXECUTIVE SESSION

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

After meeting in closed session, the Governing Body returned to their seats at 9:25p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

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

Mr. Ursin stated for the record the Council went into executive session to discuss litigation items and personnel items, with the Mayor recusing himself from part of the session.

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.

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Michael Raperto, 13 South Street, Franklin stepped forward. Mr. Raperto commented on budget caps for professionals for the Neighborhood House. Mr. Raperto also commented on relocations of trees that were dedicated. Mr. Raperto questioned what are the requirements to be town administrator.

Mr. Ursin commented there are no formal requirements for the position.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on past minutes of the Planning Board meetings still not being approved.

Ms. Fantasia commented on administrator position requirements, stating when the position is advertised a listing of duties is included, as well as rolls and responsibilities within the employee handbook.

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.

MISCELLANEOUS COMMENTS

Mr. Crabb congratulated Mr. Limon on his daughter Carmella's historic first place win for Franklin at the Queen of the Fair Contest.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:27p.m., seconded by Mr. Skellenger. All were in favor.

Nicholas Giordano, Mayor

Darlene J. Tremont, Acting Municipal Clerk