

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
SEPTEMBER 11, 2018**

Mayor Giordano called the meeting to order and apologized for having a meeting on this day and requested everyone to reflect on the meaning of this date and to observe a moment of silence.

Mayor Giordano 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. Postas, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: Mr. Limon

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."

### **COMMITTEE REPORTS**

Mr. Postas commented he wasn't able to attend the Recreation Commission meeting but he and Mr. Snyder met to review various ordinances. Mr. Postas stated they need further clarification for the Main Street parking in front of the Hungarian Church to move forward with the ordinance.

Mayor Giordano commented Recreation is in need of volunteers and asked anyone interested or who may have questions to please contact Jennifer Giordano, Chairperson, Donna Vreeland, Secretary or Administrator McHose.

Mr. Snyder commented the Buildings and Grounds had a meeting last night, items discussed were the expenditures for the opening of the pond, we are waiting for some figures that haven't come in yet since closing on September 3, 2018, the security systems for the DPW garage, police department and Boro Hall are nearing finalization and the playground improvements for next year. Mr. Snyder also commented on a donation from the Sussex County Division of Senior Citizens through a \$10,000.00 grant to place approximately 10 YMCA stations around the pond area. Mr. Snyder stated lastly the 2 AC units on the roof will not be replaced until next year.

Mr. Crabb commented on the progress of the Neighborhood House project the former Hungarian Church. Mr. Crabb stated they were approached by the Forward Franklin Alliance suggesting we apply for a grant with the FFA's help in the amount of \$100,000.00. Mr. Crabb requested with Council's approval, to submit the grant application. The Council had no objection to submitting the grant application.

Mr. Skellenger commented Public Utilities hasn't met since our last council meeting. Mr. Skellenger updated the public that 90% of the paving repairs on Jenkins Road is complete and Newton Street is on the agenda to vote addressing the drainage issues.

Ms. Fantasia commented she had a phone conversation with the CFO regarding collection rates, our target collection rate was 96.8%, our first quarter collections were up at 97.6% and the second quarter collections were slightly less at 96.4%. Ms. Fantasia stated there is a Tax Sale approaching and the Council will be provided with a written report on the proceeds from that sale. Ms. Fantasia also commented the CFO has requested a meeting in approximately 2 weeks to go over spending. Ms. Fantasia commented regarding Public Safety she and Chief McInerney discussed security staffing for the carnival and additional personnel matters that will be further discussed in executive session tonight.

## **MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 11, 2018**

Administrator McHose announced the Senior Picnic hosted by Sussex County Office of Senior Services that will take place at the pond area has been changed from this week to Thursday, September 20, 2018 due to weather. Administrator McHose also announced the Board of Freeholders meeting will be held here at the Franklin Municipal Building on Wednesday, October 24, 2018 at 7:00PM, all residents are invited to attend. Administrator McHose updated the Council on the Forward Franklin Alliance grant applications.

Mr. Ursin, Esq., had nothing to report.

Mayor Giordano announced the new ambulance has arrived, it is really nice. Mayor Giordano suggested donating the old ambulance for training purposes, he would like to discuss this at a later date. Mayor Giordano commented the Newton Street repairs will be done in house and the Mill Street/Main Street curb painting and installing signs still needs to be done. Mayor Giordano stated Brian (VanDenBroek) has been very busy and the weather hasn't helped. Mayor Giordano requested Alison to contact him to address completing the work.

Ms. Fantasia commented the WVFAS described the old ambulance as unsafe and rickety and questioned the usefulness of donating it vs selling it for parts of value for the town. Mayor Giordano explained how the ambulance could be utilized for training if donated.

Mr. Skellenger commented he was under the impression the signs for Mill Street just had to be ordered. Mr. Snyder commented that is correct, also commenting it should be addressed prior to the November 15<sup>th</sup> parking rules going into effect.

### **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 Ms. Fantasia. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on continuing concerns regarding effects to our drinking water supply if the Munsonhurst project is approved. Mr. Durina questioned the procedure on Planning Board draft resolutions. Mr. Durina also commented on water line capabilities and testing. Mayor Giordano recommended reviewing the developers agreement on the property for the water supply information. Mr. Durina requested the Council to review the 29 page set of plans (Munsonhurst project).

Keri Marino, 45 Mabie Street, Franklin stepped forward. Ms. Marino commented on summonses various residents received from the Zoning Officer, Joe Drossel regarding maintaining agriculture in a neighborhood zoned residential. Ms. Marino read a statement addressing the benefits of having backyard chickens as pets, comparisons of personalities and the caring of chickens, roosters and ducks to other domestic pets. Ms. Marino requested the Council to review the ordinance and ask Zoning Officer Drossel to refrain from issuing unnecessary summonses.

Mr. Paul Niemiec, 50 Mabie Street, Franklin stepped forward. Mr. Niemiec commented on his ducks, stating they are not just pets but considered family members, they are like children that he can't have. Mr. Niemiec also commented his ducks are registered as emotional support animals and explained the effects of what giving them up would be like.

Jane Moles, 43 Mabie Street, Franklin stepped forward. Ms. Moles stated she doesn't have chickens or roosters, but doesn't have a problem with her neighbor that does.

Virginia Arango & Thomas Hough, 48 Mabie Street, Franklin stepped forward. Ms. Arango commented her chickens were raised in her house, they are part of the family and explained the outdoor area where they are kept.

Jeff Korger, 37 Woodland Road, Franklin stepped forward. Mr. Korger commented he also owns chickens, his daughter researched chickens prior to getting them and

## MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 11, 2018

they are part of the family. Mr. Korger stated caring for the chickens helps teach my daughter about responsibility. Mr. Korger also commented on the amount of crowing roosters do.

Bonnie Campbell, North Church Road, Franklin stepped forward. Ms. Campbell stated she is here on behalf of her daughter who lives on Mabie Street. Ms. Campbell commented chickens come into her daughter's yard damaging her flowers, even finding dead chickens in her yard. Ms. Campbell also commented on the responsibilities of the owners of the chickens and keeping them out of neighbors' yards and the streets.

Mike Gunderman, 22 Jenkins Road, Franklin stepped forward. Mr. Gunderman commented he doesn't have a problem with the chickens, it's the crowing of roosters at all times of the day in residential areas he has a problem with.

Anthony Marino, 45 Mabie Street, Franklin stepped forward. Mr. Marino commented there are many other pressing issues that we should be discussing instead of chickens. Mr. Marino recommended following the Borough's noise ordinance by calling 911 to file a noise complaint for any noise problems involving roosters.

Karen Stefkovich, 10 Lehigh Street, Franklin stepped forward. Ms. Stefkovich commented on her childhood growing up in Franklin with chickens and roosters, times were different then compared to now.

Ed Allen, 36 Jenkins Road, Franklin stepped forward. Mr. Allen commented on his neighbors' animals; donkeys, chickens, ducks and goats. Mr. Allen requested the Council to review the current ordinance and consider adding certain restrictions for certain types of animals in residential areas that everyone can be happy with.

Ted L'Estrange, 46 Prospect Hill Road, Cuddebackville, NY stepped forward. Mr. L'Strange commented on unlawful practices and violence associated with organ transplants in China. Mr. L'Strange requested support and handed out packets to the Council with information on organ transplants around the world.

Corey Hennings, 21 Taylor Road, Franklin stepped forward. Mr. Hennings commented on grants submitted to Forward Franklin, lack of lighted fields and the possibility to upgrade field lighting. Mayor Giordano commented on Borough property located on Maple Road for use as an additional recreation area. Mayor Giordano with the support of the Council suggested Mr. Hennings to research financing possibilities for a new recreation area at the Maple Road property.

Concetta Formica, 157 Maple Road, Franklin stepped forward. Mr. Formica commented on the previous request made by the WVFAS to replace the Durango.

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. 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. Ordinance from the Township of Hardyston amending various chapters of the Township of Hardyston combined land use chapters in order to establish standards for outdoor lighting for residential properties.
2. Resolution from Hampton Township supporting Assembly bill 2534 and Senate bill 1707 which exempts governmental entities acquiring lands for open space located in a deed-authorized common interest from paying community fees, if, at the time of acquisition, a community has never been formed or has been dissolved or discontinued.
3. Letter dated August 16, 2018 from Hawkins, Delafield and Wood, LLP to the Mayor and Council in regards to a Bond Anticipation Note.

**MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 11, 2018**

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

1. COH Report – August 2018
2. Construction Report – August 2018
3. Construction Permit Activity Report – August 2018
4. Zoning Officers Report – August 2018

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

None filed.

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

1. Payment of bills for the meeting of September 11, 2018.

Mr. Skellenger asked to remove check #46349, from the List of Bills and vote on that item separately.

Mr. Skellenger made a motion to approve the consent agenda of September 11, 2018 with check #46349 removed from the Bills List. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Mr. Crabb made a motion to accept check #46349 on the September 11, 2018, Bills List. Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Snyder

Nays: None Absent: Limon Abstentions: Skellenger

**OLD BUSINESS**

Ms. Fantasia questioned if we received any information on the cat problem at Hillside Estates. Administrator McHose commented she has tried to contact the Office Manager at Hillside Estates and to date hasn't heard from her.

**NEW BUSINESS**

Mayor Giordano stated for the publics' convenience he is moving the discussion item on chickens to the first item under new business.

Mayor Giordano commented on growing up with chickens and roosters in Franklin as well as many Council members here tonight. Mayor Giordano explained issues that have been brought up with the interpretation of certain ordinances regarding agriculture in residential areas, complaints received by the Zoning Officer, government layering regulations where it is not needed. Mayor Giordano stated he personally doesn't have a problem with chickens and believes a neighbor dispute has fueled the situation. Mayor Giordano informed the public he will veto any ordinance that bans chickens in our town.

Ms. Fantasia commented on a memo received from the Zoning Officer in regards to numerous complaints he has received referencing noises day and night, smells, etc., finding no faults in the procedure in which the complaints were handled as part of his job. Ms. Fantasia also commented an on-line petition siting the benefits to owning chickens was signed by 800 people. Ms. Fantasia stated she does support the owning of backyard pets, chickens, ducks, turkeys and roosters, however there are responsibilities that go with owning them that must be adhered to. Ms. Fantasia commented she would like to find a balance and come to a sensible resolution for all.

Mr. Snyder clarified the summons that was referenced by Ms. Marino was actually a notification letter. Mr. Snyder commented this was a wake-up call to many, owners' personal responsibility for the care of the chickens and amounts of chickens owned in relation to the property they live on.

## MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 11, 2018

Mr. Crabb commented the Council or the Zoning Officer weren't aware of the issue, it is a result of complaints received, the Zoning Officer responded with what is currently in our code book. Mr. Crabb stated we should offer a stay of execution on this issue until the Council can review with as much time as needed to prepare an ordinance.

Mr. Skellenger commented he agrees with the Council and would like to make a motion to suspend enforcement regulations or removal of backyard animals, besides dogs and cats for 90 days to give the Council and Ordinance Committee the opportunity to meet to discuss and make a recommendation. Seconded by Mr. Crabb

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Mr. Postas commented he doesn't believe this should have come before this Council, it should have been dealt with, through our Ordinance Committee and agreed with the comments made by Mr. Marino.

Mayor Giordano commented the main issue is it falls on the personal responsibility of the owners of the animals.

### Approval of Meeting Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes and executive session meeting minutes for August 14, 2018. (Absent: Postas) Seconded by Ms. Fantasia.

Upon roll call vote:

Ayes: Crabb, Fantasia, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Postas

Mr. Skellenger made a motion to approve the regular meeting minutes for August 28, 2018. (Absent: Limon, Snyder) Seconded by Mr. Crabb.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger

Nays: None Absent: Limon Abstentions: Snyder

### Resolution 2018-81

Mr. Postas made a motion to approve resolution 2018-81, the memorandum of Agreement with the Franklin Borough Police Department/FOP Lodge #57. (MOA included in Council Packets) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger

Nays: None Absent: Limon Abstentions: Snyder

### Resolution 2018-82

Mr. Postas made a motion to approve resolution 2018-82 authorizing settlement of tax court appeals for properties located at 190 and 200 Munsonhurst Road, also known as block 2701, Lots 7 & 8. Seconded by Mr. Skellenger.

Mr. Ursin explained resolution 2018-82.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

### Resolution 2018-83

Mr. Crabb made a motion to approve resolution 2018-83 authorizing fireworks display in the Borough of Franklin on September 28 & 29, 2018, at the Franklin Pond Recreation Area. Seconded by Mr. Postas.

**MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 11, 2018**

Mr. Snyder questioned the cost for the fireworks. Administrator McHose commented the full cost for both nights is being supported by Braen Aggregates.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**Resolution 2018-84**

Mr. Crabb made a motion to adopt resolution 2018-84 regarding improvements to Newton Street, authorizing the Borough Engineer to prepare a plan for drainage improvements for a cost not to exceed \$2,000.00. Seconded by Mr. Skellenger.

Mr. Skellenger explained resolution 2018-84 and the available funds from the DPW budget for materials.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**Resolution 2018-85**

Mr. Snyder made a motion to adopt resolution 2018-85 amending resolution 2018-65 withdrawing the approval for the renewal of liquor license 1906-44-003-009, the Williams Family Deli, LLC, for the 2018-2019 licensing year. The said resolution was granted approval prior to obtaining a special ruling from the New Jersey Department of Alcohol and Beverage Control. Seconded by Mr. Crabb.

Ms. Fantasia asked for clarification on resolution 2018-85. Mr. Ursin explained the required special ruling needed from ABC for pocket licenses of over 2 years prior to renewing the license.

Upon roll call vote:

Ayes: Crabb, Fantasia, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**EXECUTIVE SESSION**

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

After meeting in closed session, the Governing Body returned to their seats at 9:18p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Postas made a motion to return from executive session. Seconded by Ms. Fantasia. All were in favor.

Mr. Snyder did not attend the executive session meeting and was not in attendance when the meeting reconvened into open public session.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:20p.m., seconded by Mr. Crabb. All were in favor.

---

Nicholas Giordano, Mayor

---

Darlene J. Tremont, Acting Municipal Clerk