

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
JANUARY 22, 2019**

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

Absent: None

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 4, 2019, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

Mayor Giordano commented Cheryl Krouse, EDC Chair was scheduled to do a presentation, unfortunately she is ill, her presentation will be postponed to our next meeting.

Mayor Giordano invited Tamara Contrarus from Forward Franklin Alliance to step forward to speak about a program "Snow Angels".

Tamara Contrarus, 121 South Rutherford Ave., Franklin stepped forward. Ms. Contrarus commented on a program called "Snow Angels", a free program that helps minimize the hardships of winter, pairing volunteers with the elderly or disabled residents to assist with snow removal. Ms. Contrarus spoke with Christina Marks, Sussex County Senior Services who has agreed to help. Ms. Contrarus handed out some forms to the Council that may be needed to help move the program forward. Ms. Contrarus also commented on the need to have the sidewalks cleared of snow in a timely manner for the safety of all.

Mayor Giordano commented this seems to be a great idea for Franklin and potentially have something put on the Borough website seeking volunteers. Mayor Giordano requested a volunteer from the Council who would be willing to help initiate the program.

Mr. Postas commented on whether anyone has contacted the BOE and/or school for possible guidance regarding community service groups and coordination.

COMMITTEE REPORTS

Mr. Zydon commented EDC met on January 10, 2019, the officers were chosen, members questioned where the payment came from for the ad placed in the Visions Magazine, Main Street redevelopment status and pop-up retail status. Mr. Zydon also commented on the lack of communication provided to EDC, one example: they would like to be notified of ribbon cuttings for new businesses.

Mayor Giordano commented on the possibility of including EDC members in other community organizations, such as Rotary Club, Sussex County Chamber of Commerce, etc., the costs to do so or just being invited to attend. Administrator McHose commented she will look into it.

Mr. Skellenger commented at the Planning Board meeting, Wes Suckey and John Christiano were re-elected as Planning Board Chair and Vice Chair and 2 resolutions were passed, one regarding the Planning Board's opinion on the exploration of the Highlands Conformance Plan and the other recommending the Historic Main Street Re-development Plan. Mr. Skellenger questioned on the ability of getting Borough email addresses for various Board Chairs and Vice Chairs.

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Administrator McHose commented other Boards have also requested getting Borough email addresses, however we don't have any available, there will be a cost of adding more email addresses and will get quotes.

Mr. Limon commented the Recreation meeting was held on Thursday, January 17, 2019 at 7:00PM, many members were in attendance discussing various events. April 27, 2019, is the annual Senior Spring Fling at the Franklin Fire House, unfortunately the Girl Scouts town wide garage sale is the same day. Mayor Giordano and Mr. Limon will be choosing the Senior of the Year for that event. June 22, 2019, is potentially going to be Franklin Day, additional information on that to come. The target date for the opening of the pond is May 25, 2019 and the Carnival is again in September. Mr. Limon also commented on concerns of the Recreation Commission regarding the possible change to a Recreation Committee.

Mr. Postas commented the Personnel Committee met to discuss cost savings for filling various open positions. We need to fill Cindy Space's position at the Senior Center, potentially 2 part time employees one 20-hour position to clean both the Borough Hall and Police Station, the other a 29-hour position to strictly work the Senior Center, also combining the Planning Board Secretary and Recreation Secretary into one position. There will be a new employee review process, 3 months, 6 months and 12 months reviews for all administrative positions and standard operating procedures on DPW position duties will be required. Mr. Postas stated accountability is important and that is what we are looking for this year.

Mayor Giordano commented Brian VanDenBroek asked if the Personnel Committee could discuss the possibility of establishing a new position in the DPW, a foreman or an assistant supervisor.

Mr. Snyder commented on the possibility of the new DPW position. Mr. Snyder also commented there were no issues related to the storm. Mr. Snyder stated there is an introduction for an ordinance change tonight regarding parking of commercial vehicles.

Administrator McHose had nothing to report.

Mr. Ursin informed the council there are 2 lawsuits from JCM and Silk City, both are being processed through the insurance company, coverage determination and assignments are being made. There will be more information to come by the next meeting.

Mayor Giordano commented on an animal food drive in conjunction with Clear Channel and Father John's Animal Shelter. Mayor Giordano requested authorization of the Council to have Franklin Borough Hall be a drop off point for donations of pet food, toys, etc. to help bring awareness to animal health and welfare. Mayor Giordano commented on bringing back sleigh riding and ice skating at the pond. Mr. Ursin recommended prior to moving forward it would be beneficial to contact the Borough's risk management company regarding minimum protocols and liability issues. The Council agreed to have Administrator McHose contact Mr. Wayne Dietz, Risk Manager.

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. Postas. All were in favor.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka requested to have a microphone for the administrator. Ms. Tatka commented on the status of some outstanding items from 2018, a resolution to designate Franklinite the official mineral of the State of NJ, the animal, chicken ordinance, the cat problem, the old ambulance that was taken out of service and the 2018 overtime figures for the Police Department. Ms. Tatka commented on concerns with having children cleaning snow off vehicles, the potential damages and possible training. Ms. Tatka questioned if the Historical Commission is responsible for the Neighborhood House plans. Mayor

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Giordano commented the Neighborhood House Committee is responsible for that. Ms. Tatka also questioned if the public will be informed of the findings of the audit being done on the Recreation Commission. Mr. Ursin clarified it isn't an audit but a practices and procedures review, when completed the results will be shared and discussed at a Council meeting. Ms. Tatka also commented she saw in the paper the State Assembly is working on absentee landlords being held responsible for their tenants, which would be a good thing for Franklin. Ms. Tatka questioned if Jessica Caldwell, Highlands Conformance Consult, fees will be paid by grants from the Highlands Council and if the Borough will have to pay back the funds if utilized. Ms. Tatka concluded commenting on concerns of all the bad news about our police department.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on numerous "Path to Progress" resolutions on the consent agenda. Mayor Giordano commented discussion on this subject will be done during the consent agenda review.

Shane Hrbek, 343 Rutherford Ave., Franklin stepped forward. Mr. Hrbek requested the vacant council seat vote be tabled, explaining he hadn't received responses to his requests to be considered for the vacant seat from the Republican Committee Chair. Mr. Ursin explained the process to fill the vacant council seat and the strict time frames that must be followed. Mr. Ursin stated the Council can't comment on his complaint because they are not involved in the process.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on her concerns regarding the vacant council seat process.

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. Resolution from the Township of Wantage supporting Assembly Bill A4037 and Senate Bill S2650 amending N.J.S.A.40A:14-96, N.J.S.A.40A:14-98 and P.L. 1940, c. 153 allowing members of junior firefighters' auxiliaries to perform certain fire support duties.
2. Sussex County Board of Chosen Freeholders resolution reappointing William Joseph as the official town crier for the County of Sussex for 2019.
3. Resolution from the Township of Andover supporting Assembly Bill A4037 and Senate Bill S2650 amending N.J.S.A.40A:14-96, N.J.S.A.40A:14-98 and P.L. 1940, c. 153 allowing members of junior firefighters' auxiliaries to perform certain fire support duties.
4. Letter dated January 8, 2019 from Lawrence Cohen of Lavery, Selvaggi, Abromitis and Cohen to Mayor Giordano in regards to Area East Redevelopment
5. Resolution from Sandyston Township in support of "Path to progress" recommendations made by New Jersey economic and fiscal policy workshop.
6. Resolution from the Township of Vernon in support of path to progress recommendations made by New Jersey economic and fiscal policy workgroup.
7. Letter dated January 15, 2019 from Alison Littell McHose, Administrator to Karen & Joe Roccisano of Walkkill Valley Softball in regards to Franklin Borough being willing to assist in the rehabilitation of the softball field at the Franklin Pond.
8. Resolution from Stillwater Township supporting Assembly Bill A4037 and Senate Bill S2650 amending N.J.S.A.40A:14-96, N.J.S.A.40A:14-98 and P.L. 1940, c. 153 allowing members of junior firefighters' auxiliaries to perform certain fire support duties.
9. Resolution from Stillwater Township in support of "Path to progress" recommendations made by New Jersey economic and fiscal policy workshop.
10. Resolution from the Borough of Andover in support of "path to progress" recommendations made by New Jersey economic and fiscal policy workshop.

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REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Board of Health – December 2018
2. Municipal Court report – December 2018

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 22, 2019.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented where this Council stands on the “Path to Progress” resolutions on the consent agenda. Mr. Snyder commented he and 2 other Council members are attending the Sussex County League of Municipalities meeting where we will be getting additional information on the subject to bring back to the rest of the Council. Mr. Durina questioned item 4, Area East Development, of the consent agenda. Mr. Ursin explained it has to do with the old Super Walmart site, there was a meeting with a developer who has interest in exploring that site. Mr. Durina commented on the benefits of bringing back the Board of Public Works.

Mr. Zydon commented he has questions on a few items on the bills list, check #46923, 46928, 46936, 46940, 46942, 46943, 46960, 46964 thru 46968. Mayor Giordano commented we will pull them from the consent agenda

Mr. Skellenger made a motion to approve the consent agenda of January 22, 2019, with check numbers 46923, 46928, 46936, 46940, 46942, 46943, 46960, 46964 thru 46968 removed. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: None

Mayor Giordano explained the costs for each check number individually. Mayor Giordano commented check #46960 will need further clarification from the CFO.

Mr. Skellenger made a motion to accept all checks on the bills list with the exception of check number 46960, PO #30189, Township of Randolph. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Limon, Skellenger, Zydon

Nays: Postas, Snyder Absent: None Abstentions: None

OLD BUSINESS

Mr. Postas commented Brian VanDenBroek met with Harry Virsma regarding refurbishing of the girls’ softball field, they don’t believe there is a drainage issue, they will remove the existing clay and sand, resurface and grade at the cost of the grant received.

Mr. Skellenger commented the bill for designating “Franklinite” as the official mineral of the State of NJ was acted on 1/9/2017 but hasn’t yet passed.

NEW BUSINESS

Appointment of Council Member

Mayor Giordano commented he will open the floor for nominations to fill the vacancy created by Councilwoman Fantasia’s resignation. The interim Council Member term of office shall end December 31, 2019.

The names of the Candidates provided by the Republican County Committee are:

Floy Estes
Dennis Jengo
Glenn Soules

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Mayor Giordano invited Dennis Jengo to step forward and introduce himself.

Dennis Jengo, 47 Nestor Street, Franklin stepped forward. Mr. Jengo commented he has lived in Franklin for five and a half years, worked as an officer and a manager at a trust company on Wall Street for approximately 30 years and believes his experience will be very helpful and was also on the Franklin Zoning Board.

Glenn Soules, 5 Stanaback Road, Franklin stepped forward. Mr. Soules commented he moved into Franklin in 1991, was a member of the Franklin Recreation Commission, Board of Public Works, Zoning Board and the First Aid Squad. Mr. Soules also commented the past of this town has been good and would like to see the future be better.

Mr. Postas nominated Glenn Soules to fill the Council vacancy. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: None

Mayor Giordano thanked Mr. Jengo.

At this time Ms. Tremont, Municipal Clerk administered the oath of office to Glenn Soules.

Mr. Soules took his place on the dais.

Mr. Postas thanked Mr. Jengo, Mr. Soules and Mr. Estes. Mr. Postas commented Mr. Formica has done so much for this town in the past year and a half and it was an injustice to Mr. Formica that his name wasn't considered as part of the three provided by the Republican County Committee.

Mr. Skellenger thanked Mr. Jengo and Mr. Estes and congratulated Mr. Soules. Mr. Skellenger also thanked Mr. Concetto, it takes courage and effort to put your name forward.

Mayor Giordano thanked everyone who put their names forward. Mayor Giordano explained how the Committee chose the three names provided. Mayor Giordano apologized to Mr. Hrbek for the misunderstandings during the process.

Approval of Meeting Minutes

Mr. Limon made a motion to approve the re-organization meeting minutes for January 1, 2019. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: Soules

Mr. Limon made a motion to approve the executive session meeting minutes for January 8, 2019. (Absent: None) Note: Mr. Snyder did not attend this executive session. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Snyder, Soules

Resolution #2019-17

Mr. Limon made a motion to adopt resolution 2019-17 authorizing the tax collector to release a tax lien for the property located at 56 Butler Street, also known as Block 709 Lot 40. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: Soules

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Resolution #2019-18

Mr. Postas made a motion to adopt resolution 2019-18 authorizing the water and sewer collector to refund an overbill caused by a defective meter in the amount of \$1,569.44 for the water/sewer account for the property located at 47 Mabie Street, also known as Block 709, Lot 27. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: Soules

Introduction of Ordinance #01-2019

Mr. Postas made a motion to introduce ordinance 01-2019 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING PORTIONS OF CHAPTER 10 CREATING A RECREATION COMMITTEE". Seconded by Mr. Zydon.

Public Hearing will be held February 5, 2019.

Mr. Ursin explained Franklin has an ordinance that creates a recreation commission, a recreation commission has a defined structure by state's statute and because of that we don't really control any of the elements. Franklin's current recreation commission functions more like a committee. A Recreation committee is created by ordinance, giving them more flexibility by the Council. The primary differences between a commission and a committee is a commission has almost full autonomy with respect to its budget and expenditures and right now you are following a committee structure, purchase orders are being signed through the system and are appearing on the Council's bills list, that process needs fixing and there needs to be more checks and balances with tracking what was approved by the recreation. If you go to a committee structure you will be taking the current board and completely replacing it with a committee structure which is more of how they are functioning now. A recreation committee is authorized to plan things and spend money within the amounts set forth in the budget that they are given. The process would then give a better system of identifying the person who will sign the purchase orders by tracking back to the recreation committee to make sure what is being presented is what was approved and then those matters come before the council as part of the bills list just as they have been in all of 2018.

Mr. Skellenger commented if this ordinance passes, we wouldn't notice a difference.

Mr. Postas commented the public should know they won't see the changes; the changes will primarily be procedurally as to how expenditures are handled.

Mr. Limon commented on the practices and procedures review results, the difficulty in getting new members for recreation and recommended keeping the recreation commission the same, just have them fall in line with the guidelines of the state statute.

A discussion continued on Ordinance 01-2019.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Soules, Zydon

Nays: Limon Absent: None Abstentions: None

Introduction of Ordinance #02-2019

Mr. Snyder made a motion to introduce ordinance 02-2019 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 161 REGARDING PARKING COMMERCIAL VEHICLES". Seconded by Mr. Skellenger.

Public Hearing will be held February 5, 2019.

Mr. Zydon explained ordinance 02-2019 and stated it is out dated and needs reviewing.

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Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Application for Taxi License

Mr. Snyder made a motion to approve the application for a taxi license to Steve Collins, Anytime Taxi for the year 2019. Seconded by Mr. Postas

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

145 Media 2019 Proposal

Mr. Snyder made a motion to approve the 2019 website hosting contract with 145 Media, Bill Repasy in the amount of \$2,400.00 for the period of January 1, 2019 – December 31, 2019. Seconded by Mr. Skellenger.

Mr. Postas commented on the procedures for content and changes that take place on the website.

Mayor Giordano requested Administrator McHose to have Colleen Little, Deputy Clerk review the website information for content updates.

A discussion continued on other website hosts and costs.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

DPW Laborer Salary Step Increase

Mr. Snyder made a motion to approve a DPW Laborer salary step increase for Darren Haggerty to Grade 5, \$22.44/hr., he has completed his 1-year probation period as per the DPW contract, as recommended by Brian VanDenBroek, DPW Director and Alison McHose, Administrator. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Discussion on Sussex County Municipal Utilities Authority Fees (SCMUA)

Mayor Giordano commented on overages last year to our MUA (Municipal Utilities Authority) flow results that put the Borough over our contracted minimum payments, causing additional fees charged to the Borough. Administrator McHose explained past circumstances causing overage charges and the current bill received. The Borough is operating under a temporary budget and doesn't have the ability to pay SCMUA as billed. Mr. Ursin commented it is a substantial and complex bill. Mr. Ursin suggested to consider sending representatives from the Council to discuss this with SCMUA, the potential added costs could affect future budgets and education is needed on how SCMUA calculates their fees. Mr. Zydon commented on where the extra water flows came from and how to investigate the problem.

A discussion continued on sewer systems, sump pumps, water flows, billing and meeting with SCMUA continued.

Discussion on Request for Proposals for Borough Engineer

Mayor Giordano commented the Borough received 4 proposals and referred to a spreadsheet supplied in the packets with cost comparisons. Mr. Skellenger commented on implementing deadlines to the engineers. Mr. Postas commented on communication issues and the benefits of using only 1 engineer for both the Borough and Water/Sewer. Mr. Snyder commented on sufficient staffing at Harold Pellow & Associates to handle the work if we only use their firm. Mayor Giordano suggested a meeting between the Public Utilities Committee, Harold Pellow & Associates and Guerin & Vreeland Engineering to discuss communication issues and put this on the next Council meeting.

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Addendum

A Discussion on Blue Diamond fees

At this time there was a discussion on Blue Diamond for back-charge on Disposal of Curbside Recycling Collection.

Mr. Ursin explained the recycling market as it relates to solid waste haulers. Blue Diamond has issued letters to the municipalities they serve requesting additional payments to make up their missing revenues. Mr. Ursin recommended not to approve the Blue Diamond request, but rather give his office the opportunity to prepare a draft response to Blue Diamond.

The Council agreed to have Mr. Ursin draft a response to Blue Diamond and present it to the Council prior to the next meeting, if the Council approves the letter, it will be placed on the next Council meeting agenda.

EXECUTIVE SESSION

There was no executive session requested.

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 Mr. Postas. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented he has read about recycling issues in the paper. Mr. Durina also commented on the benefits of bringing back the Board of Public Works.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Ms. Heath commented Franklin Borough needs a representative on the Sussex County Municipal Utilities Authority Board. Ms. Heath questioned if a recreation committee falls under the Open Public Meetings Act and the necessity of hiring a recreation committee secretary. Ms. Heath thanked Administrator McHose for getting the Senior Center painted, it looks beautiful.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on the accountability of work that is done by our engineers.

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. Postas. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Limon commented on the Public Works Committee, the restructuring of the Public Works Director's work load, and accountability for work completion schedules. Mr. Limon also commented on the feral cat problem in the Borough.

Mr. Snyder commented on finalizing the Council Committee assignments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:33p.m., seconded by Mr. Limon. All were in favor.

Nicholas Giordano, Mayor

Darlene J. Tremont, Municipal Clerk