

**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  
FEBRUARY 5, 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. Postas, Mr. Skellenger, Mr. Soules, Mr. Zydon and Mayor Giordano.

Absent: Mr. Limon, Mr. Snyder

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**

Cheryl Krouse, 160 Munsonhurst Road, Franklin and Patti Carnes, 289 Rutherford Ave., Franklin stepped forward. Ms. Krouse stated she and Ms. Carnes are speaking on behalf of the Economic Development Committee, who had their first reorganizational meeting last month. Ms. Krouse commented on an idea discussed at their meeting called Business of the Month, to recognize existing businesses and to encourage new businesses to the area. Ms. Krouse explained how the process to nominate, vote and businesses will be recognized. EDC would also like to start a Facebook page where they can provide all types of information. Ms. Krouse requested Council approval for spending no more than \$150.00 for certificates and mailing supplies. Ms. Krouse also commented March is the target month.

### **COMMITTEE REPORTS**

Mr. Zydon commented he, Mr. Snyder, Mr. VanDenBroek and Mike Vreeland, Engineer met with SCMUA on 2/1/2019 discussing the water flows and overage fees, negotiations are at a delicate juncture and additional meetings will be needed. Mr. Zydon also commented systems on both sides must be checked and investigated.

Mr. Skellenger commented the Finance Committee will be meeting with the CFO on Thursday at 6:30PM. Mr. Skellenger also commented on January 30, 2019, he, Mr. Snyder and Mr. Zydon attended the Sussex County League of Municipalities meeting, there was a presentation by Senator Oroho on Path to Progress, which is a multitude of proposals to help try to ease the burden of property taxes throughout the State, for more information you can access the website at [www.pathtoprogressnj.org](http://www.pathtoprogressnj.org) we will try to put a link on the Franklin Borough website as well.

Mr. Soules had nothing to report.

Mr. Postas commented the Personnel Committee hasn't met yet, interviews are in process for the Senior Center and the Recreation Secretary positions, discussing the possibility of combining some positions. Mr. Postas also commented on a meeting that took place this evening with Mr. Patire regarding the empty Zinc Mine property, we will be scheduling a joint meeting with the Planning Board to discuss options.

Mr. Ursin informed the Council the 3 lawsuits filed by JCM, are being reviewed with the Borough's risk manager and insurance company to see what is and is not covered. Additional information will be brought to the Council regarding the frame work to defend the suits and updates on initial assessments and strategies.

Mayor Giordano requested the Council members to provide available dates to schedule the joint meeting with the Council and Planning Board, including Mr. Ursin and Mr. Brady being present. This meeting has been a vision for a long time and will be a productive step to get the Main Street Plan moving forward. Mayor Giordano

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commented this will be a public meeting, all will be welcome and will be noticed as such. Mayor Giordano also commented on the animal food donations box located in Borough Hall and an animal microchipping event to come.

### 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.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on the Franklin Borough 2019 budget, comparing the Franklin Borough budget with other municipalities in Sussex County for prior year payroll percentages, salary ranges for various positions and total budget figures. Mr. Durina also commented "let's all put Franklin first and politics second".

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka commented on the Zoning Officer temporary shared service with Hamburg Borough, the size of the Historical Committee and the proposed Neighborhood House Committee, the Highlands Council Grants, the new development on Route 517, bringing back Lincoln's Birthday as a holiday and the painting of the Franklin Meadows water tank. Ms. Tatka questioned when will the proposed Neighborhood House hearing be held and if there is a Planning Board meeting tomorrow (February 6, 2019). Ms. Tatka also commented on the potential WaWa coming into Franklin.

There being no one else present who wished to address the Governing Body, Mr. Postas 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 Frankford 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.
2. Resolution from Sussex County Board of Chosen Freeholders 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.
3. Ordinance 2019-01 from Township of Hardyston to amend and supplement Chapter 185, Zoning, Section 185-58(S), resort oriented housing in connection with a golf course of the revised general ordinances in order to amend the bulk requirements for single-family detached dwelling units permitted as a conditional use in accordance with Article XVI, Regulations Governing Conditional Uses.
4. Resolution from Franklin Borough Planning Board adopted January 14, 2019, regarding exploration of conformance with State Highlands Act Plan.

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

1. Police Department Report – December 2018
2. Zoning Officer Report – January 2019
3. Registrar Report – October 2018 – December 2018

### APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

### RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 5, 2019.

Mr. Skellenger requested check number 47005, PO number 30133 be removed from the bills list and voted on separately.

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Mr. Zydon requested check numbers 46987, 46988, 46991, 47010, 47024, 47041, 47057, 47064 and 46984 be removed from bills list to get clarification on them.  
Mr. Durina requested item 3, under correspondence be removed to discuss.

Mr. Zydon made a motion to approve the consent agenda of February 5, 2019 with check numbers 47005, 46987, 46988, 46991, 47010, 47024, 47041, 47057, 47064, 46984 and item 3 under correspondence removed. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: Skellenger

Mr. Skellenger commented he didn't mean to abstain.

Mr. Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina questioned if the property referred to in item 3, correspondence, Ordinance 2019-01 from Township of Hardyston, is part of the Black Bear Golf Course, if so, it could cause traffic or development concerns in Franklin Borough.

Mr. Postas made a motion to approve check number 47005. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Postas, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: Skellenger

Mr. Zydon requested clarification on each removed check number individually.

Mayor Giordano explained each check number individually.

Mr. Zydon accepted all explanations and requested getting details for check number 47041, on site apparatus.

Mayor Giordano commented all questions regarding bills on the bills list can be sent to the Administrator or CFO for clarifications prior to the meetings.

Mr. Skellenger made a motion to accept the balance of the consent agenda. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

### OLD BUSINESS

#### Discussion on Request for Proposals for Borough Engineer

Mr. Skellenger made a motion to approve Harold E. Pellow & Associates, Inc. as Borough Engineer for year 2019 and Guerin & Vreeland Engineering, Inc. as Water/Sewer Engineer for year 2019. Seconded by Mr. Soules.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

#### Discussion on Blue Diamond fees

Mr. Ursin commented on an authorization needed from Council to send the letter he drafted responding to the letter from Blue Diamond requesting extra payments for recycling.

Mr. Postas made a motion to authorize Mr. Ursin to send the letter as drafted to Blue Diamond. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

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Nays: None Absent: Limon, Snyder Abstentions: None

Mayor Giordano commented on setting up an informal meeting with a neighboring town to discuss the possibility of a waste removal joint project.

### NEW BUSINESS

#### Approval of Meeting Minutes

Mr. Zydon made a motion to amend the regular meeting minutes for January 8, 2019. (Absent: None) Mr. Zydon commented the Committee Assignments list was incorrectly listed. Mayor Giordano commented the list was changed after the meeting. Mr. Ursin explained the process in preparing minutes and how the meeting information is incorporated into them. Mr. Ursin stated if the changes were made after the meeting the minutes should not be amended, they should be approved as presented.

Mr. Postas made a motion to approve the regular meeting minutes for January 8, 2019. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Zydon

Nays: None Absent: Limon, Snyder Abstentions: Soules

Mr. Ursin commented this discussion will now be included in the minutes of this meeting.

#### Resolution #2019-19

Mr. Zydon made a motion to adopt Resolution #2019-19 authorizing compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964". Seconded by Mr. Postas.

Mr. Ursin commented resolution 2019-19 is a requirement of the State Government.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

#### Resolution #2019-20

Mr. Zydon made a motion to adopt resolution 2019-20 authorizing submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse Grant for Fiscal Grant Cycle July 2014- June 2020. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

#### Agreement for Certified Recycling Professional

Mr. Skellenger made a motion to approve the agreement between the Borough of Franklin and SCMUA to retain the services of SCMUA for a Certified Recycling Professional that will be responsible for executing the mandatory annual 2018 municipal recycling tonnage report in the amount of \$250.00 annually. Seconded by Mr. Postas

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

#### Resolution #2019-21

Mr. Skellenger made a motion to adopt Resolution 2019-21 authorizing the Borough's Certified Recycling Professional to submit the 2018 recycling tonnage grant application to NJ Department of Environmental Protection. Seconded by Mr. Postas.

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Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

**Resolution #2019-22**

Mr. Skellenger made a motion to adopt Resolution 2019-22 in support of "Path To Progress" recommendations made by New Jersey Economic and Fiscal Policy Workshop. Seconded by Mr. Postas.

Mayor Giordano explained resolution 2019-22.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

**Adoption of Ordinance #01-2019**

Mr. Skellenger made a motion to adopt 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. Postas.

**Prior to final roll call Mayor Giordano will open the meeting to the public for any comments regarding Ordinance 01-2019.**

Mr. Skellenger made a motion to open to the public ordinance 01-2019. Seconded by Mr. Soules. All were in favor.

No one from the public stepped forward.

Mr. Postas made a motion to close to the public ordinance 01-2019. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

**Adoption of Ordinance #02-2019**

Mr. Skellenger made a motion to adopt 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. Postas.

**Prior to final roll call Mayor Giordano will open the meeting to the public for any comments regarding Ordinance 02-2019.**

Mr. Skellenger made a motion to open to the public ordinance 02-2019. Seconded by Mr. Postas. All were in favor.

Dave Manning, 32 Fox Hill Drive, Franklin stepped forward. Mr. Manning commented he has lived in Franklin 19 years, the increase to 19,500 pounds is a concern it will allow many large commercial trucks to be able to park in residential areas. Mr. Manning questioned the purpose for the increase. Mr. Zydon commented he has a presentation that will provide information addressing some concerns.

Note: There was an 8-minute pause in the meeting to set up for the presentation by Mr. Zydon.

Mr. Zydon explained gross weights, weight classifications and ratings for various truck sizes. The New Jersey DOT breaks down the classifications as a class 1, light truck, is 0-6000 pounds, a class 2, light truck, is 6100-10000, class 3, medium truck, is 10100-14000 pounds, class 4, medium truck, is 14100-16000 pounds, class 5, medium truck, is 16100-19500 pounds. Mr. Zydon showed examples of vehicles within the different classifications ranging from class 1 as passenger vehicles to the class 5 that would include vehicles such as a F550 truck and various Dodge 5500

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trucks. Mr. Zydon commented this ordinance needs updating, as it is now it is detrimental to small home-based businesses that need vehicles for their trade. Franklin Borough is a working-class municipality and we should be respectful to all residents no matter what type of work they do.

Mr. Manning commented on a large vehicle parked near his home and the safety concerns he has witnessed when children are playing, a vehicle with a weight of 19,500 pounds is big.

Mayor Giordano summarized Mr. Zydon's presentation and explained ordinance 02-2019.

Mr. Skellenger made a motion to close to the public ordinance 02-2019. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

### Discussion on Microchipping Clinic

Mr. Postas commented he was approached by Keri Marino, Officer, SB One Bank, asking if Franklin Borough would be interested in a low-cost microchipping clinic. There would be an information session prior to the microchipping, the cost would be \$15.00 per animal. The date for the event is going to be March 30, 2019 at either the Senior Center or the DPW garage on Corkhill Road.

Mr. Postas made a motion to approve the microchipping clinic on March 30, 2019, either at the Senior Center or the DPW garage, upon receipt of appropriate licenses and insurance from those involved. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

### Authorization to Borough's Planning Professionals to work on Highland's Conformance

Mr. Postas made a motion to give authorization to the Borough's planning professionals to work on an updated Highland's Conformance Initial Assessment, proposed Highlands Master Plan Element, and new Housing Element and affordable housing analysis and plan. All costs to be reimbursed by the Highlands Council. Seconded by Mr. Skellenger.

Mr. Ursin commented Mr. Nelson, Planner and Jessica Caldwell, Planning Consultant met with the Highlands Council, discussing the first studies to be done, the municipalities get studies that are beneficial depending on the decisions made by the Borough. The 3 parts consist of a review of the Borough's ordinances compared with the Highlands ordinances, Master Plan Element, specifically discussing town centers and the Affordable Housing Plan. Mr. Ursin also commented on reports provided to the Council and the work status of the professionals as each step is being done.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules

Nays: Zydon Absent: Limon, Snyder Abstentions: None

### Discussion on Expansion of Borough E-mail Accounts

Ms. Tremont, Clerk explained the proposal to add new email addresses to the existing account of emails being provided to Borough employees and Council members.

Mayor Giordano commented on the benefits of having email addresses for various committee chairs and vice chairs. Mr. Skellenger commented is a volunteer considered an employee and are they eligible to receive a borough email address for use as a volunteer or committee member. Mr. Ursin commented on use of OPRA, it has dramatically increased, causing issues related to accessing information

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contained in emails, both personal and municipal. Mayor Giordano commented providing additional borough emails will give protection and offer security to the Borough.

Mr. Skellenger made a motion to approve an additional 6 emails as follows, Planning Board Chair and Vice Chair, EDC Chair and Vice Chair, 1 to Board of Health and 1 additional to Recreation Committee. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: Limon, Snyder Abstentions: None

### **Discussion on Prohibiting Engine Braking**

Mayor Giordano commented Ogdensburg just passed an ordinance prohibiting engine braking, we have been informed of several children in Franklin who have behavioral issues, when engine braking occurs it causes them panic attacks. Mayor Giordano requested authorization of the Council to create an ordinance to prohibit engine braking.

Mr. Zydon explained what engine braking does. Mr. Zydon commented he is concerned with removing a secondary safety device to help stop large trucks.

### **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.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka questioned if the microchipping is available to only Franklin residents. Ms. Tatka also questioned the voting on the SCMUA resolutions by Mr. Soules.

Anna Lojek, 246 Munsonhurst Road, Franklin stepped forward. Ms. Lojek commented on engine braking that occurs at 4:00AM and the effects it has on her disabled son when they are used. Ms. Lojek invited anyone to come spend the night at her home to see what they deal with. Ms. Lojek also commented on the speeds the trucks travel, they wouldn't need to use the engine brakes if they were following the speed limits. Mayor Giordano commented we will look into all the issues to correct the situation.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on the engine braking issues and the speeds of the trucks traveling on Munsonhurst Road. This isn't the first time the subject of engine braking has been brought before the council, also the volume of the trucks has increased over the years. Something needs to be done, enforcement on speeds and weight limits also need to be addressed.

Cheryl Krouse, 160 Munsonhurst Road, Franklin stepped forward. Ms. Krouse commented the trucks traveling through our town must respect the residents, they are visitors and need to follow the laws of our town, if they don't it is the responsibility of our Police Department to enforce them.

Theresa Sherwood, 193 Corkhill Road, Franklin stepped forward. Ms. Sherwood commented she is very familiar with the importance of engine braking but also the importance in following the speed limits in our town, if speed limits were followed engine braking wouldn't need to be used as often as they are. Ms. Sherwood also commented if an ordinance is created to please consider including Corkhill Road.

Christina Sanchez, 8 Franklin Avenue, Franklin stepped forward. Ms. Sanchez questioned the email accounts given to the Recreation Commission, when will the change to a committee take effect and who will be the point of contact with the Recreation Committee. Ms. Sanchez also questioned the process regarding

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choosing the members. Mayor Giordano commented he doesn't see an issue with the current membership being appointed and explained the change to a committee will not be very different from how it was as a commission.

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. Zydon commented New Jersey is the highest taxed state, to add to that the legislature has now passed what is called a rain tax and explained what it is.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 9:00p.m., seconded by Mr. Soules. All were in favor.

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Nicholas Giordano, Mayor

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Darlene J. Tremont, Municipal Clerk