

**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
APRIL 23, 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. Skellenger, Mr. Snyder, Mr. Soules, Mr. Zydon 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 4, 2019, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

Cheryl Krouse, EDC Chair, Patti Carnes, EDC Vice Chair, stepped forward. Ms. Krouse commented they are here this evening to present the April "Business of the Month". As you are aware one of the criteria is they are to give back to the community, tonight's business of the month does just that, donating 10% of their profits back to local organizations. Ms. Krouse announced Mama Cee's is April "Business of the Month". Ms. Krouse invited their manager, TJ to accept the award.

COMMITTEE REPORTS

Mr. Limon commented the auditor was present at last week's Recreation Committee meeting who explained the procedures, policies and how the handling of money should be followed as a Recreation Committee. The Spring Fling is May 11, 2019, at 12 noon at the Franklin Fire House and the Senior of the Year will be announced. Other items discussed were financial responsibilities of events and field maintenance. Mr. Limon stated recreation is soliciting members, if anyone is interested or knows someone who is interested to please contact them, support is needed. The net for behind the back of the baseball field has been purchased and will need to be installed prior to the opening of the baseball and softball season that is April 27, 2019.

Mr. Snyder commented numerous nets have been purchased over the years, maybe the Borough should be looking at a better grade net.

A discussion on nets continued.

Mr. Snyder commented a buildings & grounds meeting will be needed soon to discuss mulch and possible expansion for the new ADA playground equipment.

Mayor Giordano commented placing the exercise station equipment gifted to us by the YMCA also needs to be discussed.

Mr. Soules commented at the Public Works meeting last week discussions took place on the camering of the sewer lines that will take place through the summer, sewer line repairs behind the Lukoil will be done when the weather improves, some of the storm drains were inspected on the roads that are going to be paved and rehabbing the wells in the future.

Mayor Giordano questioned if discussions took place on coordinating road paving on Washington Ave. and School Plaza with the school.

Mr. Snyder commented on where the potential gas line will be coming from that Franklin School is getting, it could impact the paving of the road.

Mr. Zydon recommended contacting Mr. Knutelsky to get more information on the road paving and how the gas line might affect the paving schedule.

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Mr. Skellenger commented at the Recreation Committee meeting Tom Ferry, Auditor recommended the Council approve the Recreation Committee to solicit donations on behalf of the Borough.

Mr. Skellenger made a motion to approve giving authorization to the various committees of Franklin Borough to solicit and accept donations to the Borough into the finance department to be directed to the proper committee from this day forward. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Mr. Postas Abstentions: None

Mr. Zydon commented there was a joint EDC meeting with Hardyston Township on April 11, 2019, at 7:00PM. Items discussed were the infrastructure of the roads, water and sewer and improvements or lack of improvements in the area. Also, both Hardyston and Franklin will get together with a real estate developer to look at our towns to find strengths and weaknesses. The meeting brought awareness to the joint EDC between Franklin and Hardyston and their future municipal cooperation. Mr. Zydon also commented there was an Ordinance Committee meeting on April 16, 2019, with Mr. Ursin, reviewing various ordinances. Mr. Ursin will provide the committee with sample updated and revised ordinances and lastly, we reviewed the code book to possibly move some items around and remove outdated and obsolete ordinances from it.

Mr. Ursin had nothing to report.

Mayor Giordano commented we will be having a short executive session right after the first public session of the meeting for police litigation matters and then a second executive session at the conclusion of the regular agenda for litigation. Mayor Giordano also commented on the Zoning Officer position and looking into a shared service with Hardyston Township. Mayor Giordano requested Mr. Zydon to contact Hardyston to see if they'd be interested in discussing a shared service for zoning officer services. Mayor Giordano informed the public April 27, 2019, is the Girl Scout town wide garage sale day and encouraged everyone to go out and drive safely.

OPEN PUBLIC SESSION

Mr. Limon 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.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina questioned if the budget will be approved this evening. Mr. Durina commented on a newspaper article he read about various grants that Hopatcong has received. Mr. Durina thanked Mr. Soules for attending the opening of the new Rock Store on Main Street, who was the only representative of the Council to attend.

Mr. Zydon commented some of the Council members weren't able to attend because of work responsibilities.

Cheryl Krouse, 160 Munsonhurst Road, Franklin stepped forward. Ms. Krouse thanked Mr. Soules for attending the (The Rock Store) ribbon cutting and in the future when new businesses are opening to contact the EDC and they will help to coordinate opening events to accommodate schedules of others.

Shane Hrbek, 343 Rutherford Avenue, Franklin stepped forward. Mr. Hrbek requested a status update on the RFQ's that were sent out for the pond services and if there is a plan "B" if no responses are received.

Mr. Snyder commented on contacting the previous lifeguards that were used last year.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka questioned if Joe Drossel, Zoning Officer has resigned and is he working for Hamburg Borough.

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Ms. Tatka commented on the amendment of \$50,000 added to the 2019 CY introduced budget, the location of the WVFAS coin toss and the salary range ordinance that are on the agenda this evening. Ms. Tatka also commented on the percentages for employee raises.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on where the extra \$50,000 was coming from.

There being no one else present who wished to address the Governing Body, Mr. Zydon made a motion to close the meeting to the public, seconded by Mr. Limon. 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. Letter dated April 1, 2019 from Jennifer Giordano to Mayor Giordano resigning from the Recreation Committee effectively immediately.
2. Resolution from the County of Sussex appointing Dr. William Truran as Sussex County Historian,
3. Resolution from the County of Sussex in regards to the 2019 Board of Chosen Freeholders municipal liaison pilot program.
4. Resolution from the County of Sussex authorizing the placement of a public question on the official ballot for the general election on November 5, 2019 in opposition to the "sanctuary state" policy of the governor of the state of New Jersey.
5. Hardyston Township Zoning Board of Adjustment notice of hearing for 172 N. Church Road.
6. Resolution from Sparta Township in support of "path to progress".
7. Resolution from the County of Sussex in support of New Jersey legislation which "concerns regulation of solid waste, hazardous waste and soil and fill recycling industries".

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. County Board of Health Report – March 2019
2. Police Department Report – March 2019
3. Municipal Court Report – March 2019

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for a Flea Market Permit from Miller's Nook, premises for the event is 47 Church Street, Franklin to be held on May 25 and 26, 2019, from 12:00 noon to 5:00PM.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 23, 2019.

Mr. Limon made a motion to approve the consent agenda of April 23, 2019. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

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 police litigation Motion seconded by Mr. Soules. All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 7:50 p.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

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

Mr. Ursin stated for the record "the police litigation matter was mainly focused on discussing labor counsel."

OLD BUSINESS

Mr. Limon commented on the status of the additional street lights for certain areas of the Borough, specifically 69-71 Corkhill Road.

Mayor Giordano requested Chief Cugliari to obtain a list of recommendations from his police officers of areas in need of additional lighting for the next meeting agenda.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the regular meeting minutes and executive session meeting minutes for April 9, 2019. (Absent: Mayor Giordano) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Resolution 2019-38

Mr. Snyder made a motion to adopt resolution 2019-38 amendment to the current fund temporary 2019 budget NJSA 40A:4-19.1. Seconded by Mr. Limon.

Mr. Snyder commented on procedures when needing possible additional funds in the future.

Monica Miebach, CFO explained resolution #2019-38, it is to amend the temporary operating budget and covers only the month of April.

Mayor Giordano commented the 3-month temporary budget previously passed will expire if we don't adopt this (resolution 2019-38).

Upon roll call vote:

Ayes: Limon, Skellenger, Soules, Zydon

Nays: Snyder Absent: Postas Abstentions: None

Public Hearing on the 2019 Budget

Mr. Skellenger made a motion to open to the public on the 2019CY Municipal Budget. Seconded by Mr. Soules. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented if an introduction to the budget will take place.

Mayor Giordano invited Monica Miebach to present a brief summary on the 2019CY Municipal Budget.

Monica Miebach, CFO stepped forward. Ms. Miebach commented Tom Ferry, Auditor is not able to be here this evening, he has prepared a 2019 budget summary pamphlet, copies are in the back of the room and were provided to the Mayor and Council. Ms. Miebach explained the pamphlet page by page. The first page is the net valuation table; it is the assessed value of all properties in the Borough which increased from 2018. The budget bottom line increased by \$246,000. Next there is an analysis of our (the Borough) revenues; this how the state budget is formulated. Ms. Miebach also explained budget appropriations, collection rates to calculate for the reserve for uncollected taxes and levy and tax rate. Our tax rate went up approximately a half a penny per 100 of assessed value. The increase in tax for an average home is \$8.43 for the entire year for the Municipal portion, the County, local

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and regional schools are estimates because they are still working on their budgets. The water and sewer budget increased 3.9% partially due to additional fees charged from SCMUA because of excess water flows through the water system. Ms. Miebach stated we haven't had a tax increase since 2015.

Mayor Giordano stated the meeting is still open to the public for any questions.

Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on his 5 concerns (of the budget); increased spending, \$600,000 from surplus, cutting capital improvements, increasing the debt and salary and wages.

Ms. Miebach commented the debt increase came from the purchase of the new fire truck. Ms. Miebach explained the fund balance, you try not to use more than what has been put in, our dollar figure has stayed level. Ms. Miebach also explained reserves in the capital water and sewer budget and the current fund budget as it relates to capital improvements.

Mr. Durina also commented on the importance of improving the Borough's water infrastructure, and repairs to the roads.

Mr. Limon commented on results that happened in the past when deciding not to purchase a police vehicle.

Mr. Zydon commented on a new vehicle maintenance program that has been implemented.

Mr. Durina commented on the percentage of wages and salaries in the budget.

A discussion took place on wages and salaries of the Borough.

Mr. Snyder made a motion to close the meeting to the public. Seconded by Mr. Zydon. All were in favor.

Resolution #2019-39 Amendment to the 2019 Introduced Budget

Mr. Limon made a motion to accept an amendment to the introduced budget. The amendment will increase the total budget revenues and appropriations by \$50,000. Seconded by Mr. Skellenger.

Monica Miebach commented this budget amendment is needed because certain bills came to her after the time of the introduced budget on March 26, 2019.

Monica Miebach requested Mayor Giordano approve a special meeting for a public hearing on the budget amendment and then the final adoption of the amended final 2019 budget. Waiting until the next regular meeting on May 14, 2019 will cause problems for purchases for projects needing to be done within the DPW.

Mr. Skellenger made a motion to schedule a special meeting on Monday, April 29, 2019 at 7:00PM. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Limon, Skellenger, Soules, Zydon

Nays: None Absent: Postas Abstentions: Snyder

Mayor Giordano requested a roll call vote on resolution #2019-39

Upon roll call vote:

Ayes: Limon, Skellenger, Soules, Zydon

Nays: None Absent: Postas Abstentions: Snyder

Public Hearing on resolution #2019-39 amendment to the 2019 introduced budget will be on Monday, April 29, 2019.

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Adoption of Ordinance #05-2019

Mr. Limon made a motion to adopt ordinance 05-2019 entitled "ORDINANCE PROVIDING FOR THE ACQUISITION OF A SEWER JET BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$57,000 THEREFOR FROM THE IMPROVEMENTS TO SEWERS RESERVE OF THE BOROUGH." Seconded by Mr. Skellenger.

Prior to final roll call Mayor Giordano will open the meeting to the public for any comments regarding Ordinance 05-2019.

Mr. Limon made a motion to open to the public ordinance 05-2019. Seconded by Mr. Skellenger. All were in favor.

Mayor Giordano commented on the process of purchases made during a temporary budget.

Ms. Miebach commented the process involves an amendment to the temporary budget which was done at a previous meeting which allows this to take place.

Mayor Giordano commented on waiting until the budget is adopted for a purchase of this size and the reason for the special meeting that was just approved.

Ms. Miebach commented Mr. VanDenBroek has expressed an urgency for this piece of equipment.

No one from the public stepped forward.

Mr. Skellenger made a motion to close to the public ordinance 05-2019. Seconded by Mr. Soules

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Resolution #2019-40

Mr. Limon made a motion to adopt resolution 2019-40, authorization for purchase of a sewer equipment, model 184 sewer jet. Ordinance 05-2019. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Resolution #2019-41

Mr. Limon made a motion to adopt resolution 2019-41 authorizing the tax collector to release a tax lien and that the Mayor and Clerk endorse the original certificate for the property located at 453 Route 23, also known as Block 605 Lot 16. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Resolution #2019-42

Mr. Zydon made a motion to adopt resolution 2019-42 authorizing the assignment of certificate of sale #2018-004 against Block 606 Lot 25, known as 10 John Wilton Street to NJSL 301, LLC or its designee. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

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Resolution #2019-44

Mr. Zydon made a motion to adopt Resolution #2019-44 to approve a coin toss fundraiser for the Wallkill Valley First Aid Squad for May 5th and 19th, 2019, June 30th 2019, July 14th 2019, August 11th and 25th 2019, September 8th 2019 and October 20th 2019. Seconded by Mr. Limon.

Mr. Skellenger commented location for the coin toss is Route 23 and Mabie Street.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Resolution #2019-43

Mr. Zydon made a motion to adopt resolution 2019-43 authorizing the assignment of certificate of sale #2018-019 against Block 2002 Lot 3, known as 35 Church Street to NJSL 301, LLC or its designee. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Introduction to Ordinance #06-2019

Mr. Skellenger made a motion to introduce Ordinance 06-2019, entitled "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY".

Public hearing will be held May 14, 2019.

Mr. Zydon commented this ordinance should be reviewed by the Finance Committee and or the Personnel Committee prior to introduction. There are some issues with this ordinance that should be addressed, some part time salaries hourly rates seem excessive in relation to full time salaries hourly rates.

Mayor Giordano commented some of the salaries listed have certification requirements. Mayor Giordano also commented the Borough currently doesn't have a Zoning Officer to issue zoning permits, there are laws that must be followed.

Mr. Skellenger asked for clarification on the issuance of zoning permits in the absence of a zoning officer.

Mr. Ursin commented the Council may designate an employee to issue zoning permits.

Mr. Skellenger made a motion to appoint Administrator McHose to issue zoning permits until the position of zoning officer is filled. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Mayor Giordano commented to please review very carefully some of the licenses involved with the positions.

Mr. Zydon made a motion to table ordinance 06-2019 to the next regular meeting. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Ms. Miebach commented on the timing of passing the ordinance and how it effects the State Pension System filing requirements, if not followed can cause potential fines and penalties to the Borough from the State of New Jersey.

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Mr. Limon questioned if the Borough has ever been fined in the past.

Mayor Giordano commented he was unaware of any fines or penalties assessed to the Borough and there must be better communication in the future.

Discussion on cell tower leases

At this time there was a discussion on cell tower leases.

Ms. Miebach explained correspondence received from a company, BlackDot, regarding options on revising cell tower lease agreements for T-Mobile and AT&T. Ms. Miebach commented they are both on the first of a 5-year renewal period, the discussions have been between Administrator McHose and our lease consultant.

Mr. Ursin referred to information provided by Ms. Miebach regarding multiple terms recommended as favorable by the consultant. Mr. Ursin recommended a follow up discussion at the next meeting.

Mr. Snyder made a motion to table the discussion on the cell tower leases. Seconded by Mr. Skellenger.

Mayor Giordano commented he did not receive the email provided to the Council.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Discussion on Fire Marshal Shared Service Agreement with the County of Sussex

At this time there was a discussion on a request from the County of Sussex regarding the Fire Marshal Shared Service Agreement.

Mayor Giordano commented this is to ask the Council if they will be interested in continuing to use the services of the County Fire Marshal at the conclusion of our current shared service agreement with them that expires on September 14, 2019.

The Council agreed, Mr. Limon abstained, to have the Clerk contact Sussex County on the Council's interest of continuing the Fire Marshal Shared Services agreement.

ADDENDUM

Memorial Day Parade

Mr. Soules made a motion to accept the request from the American Legion Post 132 to hold their annual Memorial Day Parade on May 27, 2019; parade line up at the Legion Post at 10:15AM, parade starts at 10:45AM. Seconded by Mr. Skellenger.

Mr. Zydon requested asking either Sussex County or Braen Aggregates to provide street sweeping services for the parade route.

Upon roll call vote:

Ayes: Limon, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: Postas Abstentions: None

Mayor Giordano commented there will be no second executive session we will have it at the next regular meeting.

OPEN PUBLIC SESSION II

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

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

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MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Soules made a motion to adjourn the meeting at 9:05 p.m., seconded by Mr. Skellenger. All were in favor.

Nicholas Giordano, Mayor

Darlene J. Tremont, Municipal Clerk