

**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 20, 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. Soules, 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

Cheryl Krouse, EDC Chair & Patti Carnes, EDC Vice Chair stepped forward. Ms. Krouse commented this month, August 2019 "Business of the Month" is iHeart Media Tri-State. Ms. Krouse thanked them for being a great partner with Franklin and for the many services they provide to our town.

Mayor Giordano introduced Steve Allan, WSUS, DJ, Steve Borasio, WNNJ DJ & Station Manager, Gary Cee, WNNJ, DJ. Mayor Giordano commented iHeart Media was very helpful providing extremely good and economical advertising when needed for our Carnival. Mayor Giordano thanked everyone involved with iHeart Media.

Gary Cee, WNNJ stepped forward. Gary Cee mentioned the many items they are involved in and thanked everyone for the award.

COMMITTEE REPORTS

Joe Limon commented there was a Recreation meeting on Thursday (August 15, 2019) at 7:00PM, the main focus was the Fluorescent 5K Run to take place on Saturday. Other items discussed was the advertising for the Carnival/Fall Festival and field usage applications received. Also, there is a movie night this Friday at the pond (August 23, 2019).

John Postas commented the first round of interviews for the DPW positions have started, then calls will be made for second round interviews. There are 2 full-time positions open, with hiring completed by the end of October.

Gilbert Snyder commented due to the short staffing in DPW many items are behind that have been discussed previously such as the fitness station and the ADA playground equipment. Mr. Snyder also commented on problems with runoff by the bridges near the gazebos at the pond, he would like to suggest some type of black top path to make it safer. The Hungarian Church has a missing window at the top, he would like to have DPW block it off with wood to eliminate weather issues. Mr. Snyder also commented the paving work on Buckwheat Road, School Plaza Road and Washington Avenue has been completed and looks great.

Glenn Soules commented most of his report is on the paving which has started and now been completed.

Stephen Skellenger commented the first Chair's meeting was held last month. We, (myself, Mr. Postas and Mayor Giordano) would like to interview potential grant writers that may be able to be included in next year's budget. Mr. Skellenger congratulated the Recreation Committee and the Franklin Fire Department for 2 great events that took place on Saturday.

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Stephan Zydon commented the Ordinance Committee met on August 25, 2019, we reviewed Chapter 56, an employment practices ordinance, the updated version should be on the next meeting agenda.

Administrator McHose commented progress has been made with the new zoning officer, Debra Card, current items being addressed are maintenance issues and zoning permit completions. Her office hours are on Tuesdays, 8:00am-4:00pm. As mentioned by Mr. Postas, completing the DPW hiring process hoping to have the hires ready by the end of September. Lastly, there will be a garbage bid specs meeting so that we can advertise for interested bidders as required by law.

John Ursin had nothing to report.

Mayor Giordano commented the County Fire Parade is coming up on October 5, 2019 in Franklin and encourages everyone available to come out for it, it is a fun time. The County is planning to pave Franklin Avenue from Fowler Street to Route 23. Mayor Giordano made a public service announcement to be careful when mowing lawns, wasps can make nests in the ground and the potential for being stung if disturbed. The paving turned out great, the 5K seemed well attended and Recreation has some good advertising plans for the Carnival. Mayor Giordano also commented on the discussion item to possibly change South Rutherford Avenue (traffic flows).

OPEN PUBLIC SESSION

Mr. Postas 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 commented on the Franklin Borough hiring policies with regard to giving priorities to Franklin residents. Mr. Durina requested the Council and hiring committee give consideration to Franklin residents.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on something she saw while on vacation, there were banners with pictures and names of veterans placed around town. This could be a good idea for Franklin as a way to recognize our veterans. Ms. Rowe also commented there have been numerous accidents on Munsonhurst Road where vehicles land on properties or take out telephone poles. Ms. Rowe requested if it would be possible to get more guard rails along the roadway.

Ann Bronstein, 14 Walsh Road, Franklin stepped forward. Ms. Bronstein commented on the need for an audio traffic light at the McDonald's intersection.

Administrator McHose commented she is in the process of requesting the audio traffic light from the State Commissioner's office.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka commented on Fowler Street, the building at the Bicsak property is falling down, there is a window that someone has for the Hungarian Church and how the Millie Harden trust funds can be used. Ms. Tatka also commented that the grant writers' issue had been looked into in previous years with definite costs in place for the work that they would do.

Mr. Snyder commented it has been confirmed the Millie Harden trust funds can be used for any recreational purposes.

Mr. Limon commented to date we have only used the interest portion of the Millie Harden trust fund.

Barbara DeRenzo, 9 Ginter Street, Franklin & Franklin Cub Scout Pack 90 Committee Chair stepped forward. Ms. DeRenzo commented the cub scouts that

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

came to the Fluorescent 5K Run to help hand out water had a great time doing so, anytime you need them, just let them know.

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.

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. Township of Hardyston Planning Board notice of public hearing on adoption of an amendment to the Township of Hardyston Master Plan dated July 11, 2019.
2. Letter to Mayor and Council from Colleen Little, Deputy Clerk re: Franklin Borough Rabies Clinic.
3. Township of Vernon resolution 19-159 supporting designating the "FRANKLINITE" as the official mineral of New Jersey.
4. Letter to Mayor and Council from Monica B. Miebach, CFO/QPA re: successful bidder for our Bond Anticipation Notes.
5. Township of Hampton resolution supporting the designation of "FRANKLINITE" as the official mineral of the State of New Jersey.
6. Email from Elaine Tizzano to Mayor and Council re: Annual Changing the Face of Addiction Walk.
7. Correspondence from Sandyston Township dated August 13, 2019, re: Restoring America's National Parks.
8. Municibid Vehicle Auction final sale figures list for Franklin Borough surplus vehicles and equipment.
9. Board of Chosen Freeholders resolution authorizing the placement of a public question on the official ballot for the general election on November 5, 2019 in support of cooperation with federal immigration and customs enforcement (ICE).

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Franklin Registrar Report for April 2019 – June 2019
2. Construction Permit Activity Report – July 2019
3. Construction Report – July 2019
4. COH Report – July 2019
5. County Board of Health Report – June 2019
6. County Board of Health Report – March 2019
7. Municipal Court Report – June 2019
8. Municipal Court Report – July 2019
9. Police Department Report – July 2019

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 20, 2019.

Mr. Postas made a motion to approve the consent agenda of August 20, 2019. Seconded by Mr. Soules.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Mr. Limon made a motion to approve the regular meeting minutes for July 16, 2019. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Limon made a motion to approve the executive session meeting minutes for July 16, 2019. (Absent: None) Mr. Snyder left prior to the end of executive session and the building at 9:15PM. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Duchenne Muscular Dystrophy Awareness Month Proclamation

Mr. Limon made a motion to adopt the proclamation proclaiming September 2019, as Duchenne Muscular Dystrophy Awareness Month. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction of Ordinance 14-2019

Mr. Limon made a motion to introduce ordinance 14-2019 entitled "ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY DESIGNATED AS BLOCK 601, LOTS 1, 2, 3, 5 AND 6, AND BLOCK 904, LOT 1, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FRANKLIN, AND REFERRED TO AS THE ZINC MINE CONDEMNATION REDEVELOPMENT AREA, AND THE PROPERTY DESIGNATED AS THAT PORTION OF MAIN STREET FROM THE MUNICIPAL BUILDING TO HUDSON STREET, AND REFERRED TO AS THE MAIN STREET REHABILITATION AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A 40A:12A-1 ET SEQ". Seconded by Mr. Postas.

Public Hearing will be held September 10, 2019.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2019-72

Mr. Limon made a motion to adopt resolution 2019-72 extending grace period for payment of 3rd quarter 2019 taxes. Seconded by Mr. Skellenger.

Mr. Ursin commented the resolution states it (grace period) is 25 days.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2019-73

Mr. Snyder made a motion to adopt resolution 2019-73 regarding department of public works vehicle and equipment replacement plan. Seconded by Mr. Limon.

Mr. Zydon explained maintenance time lines for the various DPW vehicles and equipment in resolution 2019-73.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Resolution #2019-74

Mr. Snyder made a motion to adopt resolution 2019-74 requesting approval of items of revenue and appropriation NJSA 40A:4-87, 2019 drive sober or get pulled over - Statewide Labor Day Crackdown Grant in the amount of \$5,500.00. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2019-75

Mr. Snyder made a motion to adopt resolution 2019-75 authorizing the Mayor to endorse the Treatment Works approval application-Statements of consent for the SCMUA Leachate Pump Station & Force Main, Lafayette, NJ project. (Letter dated June 19, 2019, from Mott MacDonald included in council packets) Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2019-76

Mr. Snyder made a motion to adopt resolution 2019-76 authorizing the Franklin Borough Tax Collector to conduct an electronic tax sale. Seconded by Mr. Soules.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2019-77

Mr. Soules made a motion to adopt resolution 2019-77 regarding the Franklin Fire Department Club Liquor License pursuant to the direction from the NJABC. (Letter dated March 5, 2019 from NJABC included in council packets) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Approval of NJ State Firemen's Association Membership Application

Mr. Soules made a motion to approve the application for membership of John B. Fitcher III, 421 Rutherford Ave, Franklin to the Franklin Fire Department as recommended by Frederick Babcock, Jr., Franklin Fire Department Chief. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Recreation Committee Request

Mr. Soules made a motion to approve a request from the Recreation Committee to spend not to exceed \$5,000 on advertisement, entertainment and other miscellaneous items for the Fall Festival/Carnival. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on cell tower leases

At this time there was a discussion on cell tower leases. (Tabled from the April 23, 2019, meeting)

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Mayor Giordano referred to a letter from 17 Mile Real Estate, LLC, our cell lease consultant, recommending the cell leases should stay as is with no re-negotiations done at this time.

Mr. Ursin explained the process of cell tower lease negotiations. Mr. Ursin commented this has been pending for a number of years, there is a well-known consultant trying to push the Borough into negotiating the current lease amounts down which would be a loss of revenue to the Borough. After discussions with the cell tower company lease consultant and our consultant, our consultant recommends we should take no action at this point.

Mr. Snyder commented on continuing with expenditures for this issue.

Mr. Skellenger requested clarification of costs associated with negotiating prior to hiring our consultant as previously discussed.

Mr. Ursin explained there were 2 components to the agreement, one was a set fee to negotiate for us and the other would be an audit of what is being paid to us that they would get at a percentage of if money was found to be owed to us.

Mayor Giordano commented he will slightly move around the final items left on the agenda.

Discussion on South Rutherford Avenue

At this time there was a discussion on South Rutherford Avenue as a one-way travel street.

Mayor Giordano commented on an email sent from Franklin Police traffic officer explaining the benefits to speeds and traffic flow by changing the direction of travel on South Rutherford Avenue to strictly north bound up to the hair salon driveway. It has been brought to his attention that the Council should seek the help of the town engineer, Tom Knutelsky and asked the Council to approve referring this to him.

Mr. Zydon stated he had received an email from Tom Knutelsky who doesn't recommend a one-way travel but to recommend the closing of South Rutherford Avenue at the north end by Route 23 South. Mr. Zydon commented how a one-way travel would affect the residents that live there.

Mr. Postas commented he doesn't believe it's a speed problem anymore but rather a traffic volume issue. Mr. Postas stated he is concerned that closing the road may cause a volume problem at the (Route 23 & Franklin Avenue) light intersection and the potential for new complaints from residents on that road.

Mr. Zydon commented if South Rutherford Avenue is closed would it be possible to request the state to survey if a right turn lane could be added at the Route 23 light intersection. Mr. Zydon also commented on no thru traffic signs being placed.

Mr. Limon commented he is opposed to making South Rutherford Avenue a one-way travel road.

Mayor Giordano invited Captain Geddis to step forward.

Seamus Geddis, Franklin Police Department Captain stepped forward. Captain Geddis cited the MUTCD (Traffic Control Device Manual) under section 5, explaining some items that are problematic with the roadway, the primary issue is the volume not necessarily the speed. He is requesting to deploy the traffic box back to South Rutherford Avenue to gather more up to date data. To bring the roadway up to compliance with the MUTCD it would have to be striped and widened to accommodate that kind of traffic. There is much more information to be gathered before making a decision.

A discussion continued on South Rutherford Avenue traffic issues and options.

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Mayor Giordano requested the Public Works Committee look into the issues pertaining to South Rutherford Avenue and report back with a recommendation.

Administrator McHose requested to have the Public Works Committee also review the re-opening of North Rutherford Avenue. Mr. Williams, OEM Coordinator has asked if it could be looked into.

Mr. Postas commented on studies and findings that were done on the re-opening of North Rutherford Avenue. It would benefit emergency aid getting into the middle of town. Mr. Postas recommended making North Rutherford Avenue an entrance only onto it from Route 23 South and not an exit onto Route 23 from North Rutherford Avenue.

Mr. Soules voiced his concerns with re-opening the roadway. Mr. Soules stated when it was open in previous years the speed of the vehicles was very high.

Mayor Giordano requested the Public Works Committee to look into both issues and provide a report at the next meeting.

Mr. Snyder requested if there has been any information or data obtained regarding the traffic on Walsh Road which has been brought up numerous times before.

Mayor Giordano commented he will contact the Chief of Police regarding Walsh Road.

Discussion of Ayala v. Franklin Litigation Settlement

At this time there was a discussion of Ayala v. Franklin litigation settlement.

Mr. Ursin commented the Council is aware of the lawsuit received and has discussed the potential settlement in closed session. The settlement document has been finalized and distributed, if the Council chooses they can request a closed session to discuss any of the details if needed or they can make a motion to approve it now.

Mr. Soules made a motion to approve the Ayala v. Franklin Borough litigation settlement as presented. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Soules, Zydon

Nays: Snyder Absent: None Abstentions: None

Discussion of JCM Litigation Settlement

At this time there was a discussion of JCM litigation settlement.

Mr. Ursin explained the process to approve the settlement. Mr. Ursin commented it is a very comprehensive settlement agreement, the planning board considered this at their meeting last night voting unanimously to have the planning board chair sign the document. If the Council still has questions, they can request a closed session tonight to discuss it or if you, the Council are comfortable with it you can make a motion to vote to approve it.

Mr. Zydon asked for clarification of item 6, Municipal obligation to cooperate, in the settlement agreement.

Mr. Ursin explained once this (agreement) is approved in court and the Council and if the Planning Board approves it at the hearing set forth than you (the Borough) can't do anything later to then defeat what's in the agreement.

Mr. Zydon questioned if comments that may be made on social media falls under the obligation.

Mr. Ursin commented you really can't control comments made on social media.

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Mr. Limon made a motion to accept the (JCM litigation) settlement. Seconded by Mr. Zydon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on hiring two new police officers

At this time there was a discussion on hiring two new police officers.

Mayor Giordano commented our Police Department currently has two police officers absent. After speaking with the Police Chief, we have realized the need to start the process to hire 2 new police officers that would be replacing those officers absent if needed. Mayor Giordano requested the Public Safety Committee and the Personnel Committee to research what the police department is looking for and to speak with the Police Chief to set up something in the future for the hiring process practices.

EXECUTIVE SESSION

There was no executive session.

OPEN PUBLIC SESSION II

Mr. Soules 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 questioned if no residents or members of the boards can sit in testimony about our water system.

Mr. Ursin commented the Council and Planning Board has struggled with this. There are 2 significant pressures on the town, one being a series of agreements with this development and the second is an Affordable Housing case. There are mixed feelings with this development and it was a close application. Mr. Ursin explained the Affordable Housing case and the mandates as it relates to the development. The matter will proceed to the Planning Board possibly in October if a new application is received. Nothing in the agreement effects the rights of anyone to voice their opinions or participate.

Mr. Durina commented we must protect our water supply system and the Board of Public Works needs to look for a secondary water supply. Mr. Durina stated "Please make sure that Franklin residents have safe drinking water".

Ian Sherwood, 189-193 Corkhill Road, Franklin stepped forward. Mr. Sherwood commented on a net water availability deficit in Franklin Borough. Mr. Sherwood stated he is disappointed on how this (litigation settlement) turned out and now I must do more work to stay afloat.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on her feelings with the JCM issue, she agrees with Mr. Durina regarding our water system and she is also disappointed with the outcome. Ms. Rowe asked the Council to honor this evening, a member of the town who we lost this past month, Sally McGrath.

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. Zydon. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Zydon commented last year there were cones placed along the 5K run route and this year it wasn't done, putting the runners at risk. Mr. Zydon suggested the Recreation Committee to make sure it is done for future runs.

Administrator McHose commented last year the cones were borrowed from the County and will advise the Recreation Committee to look into the issue.

MAYOR & COUNCIL MEETING MINUTES AUGUST 20, 2019

Mr. Soules commented there is no Board of Public Works anymore, there is a Public Works Committee which he thought was a mistake to disband. We did explore trying to connect to either Ogdensburg or Hamburg water supply systems.

Mayor Giordano commented the Borough previously looked into alternate water supply system hook ups, unfortunately it wasn't something financially that our utility could absorb.

Mayor Giordano thanked Ms. Rowe for commenting on the sudden passing of Sally McGrath suddenly. Mayor Giordano told a story about Sally McGrath from his past school days. Mayor Giordano commented he is proud to have known Sally and her family all of his life, she will be missed.

Mayor Giordano requested a moment of silence.

The Mayor and Council and public bowed their heads in a moment of silence.

There was a moment of silence in memory of Sally McGrath.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Soules made a motion to adjourn the meeting at 8:25p.m., seconded by Mr. Zydon. All were in favor.

Nicholas Giordano, Mayor

Darlene J. Tremont, Municipal Clerk