

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
SEPTEMBER 10, 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. Snyder, Mr. Zydon and Mayor Giordano.

Absent: Mr. Limon and Mr. Soules

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**

#### **Franklin Recreation Committee**

Scott Davis, Franklin Borough Recreation Committee member stepped forward. Mr. Davis commented Luke DeRenzo repaired two soap box derby cars and built 4 new ones from scratch for his Eagle Scout project. Mr. Davis on behalf of the Franklin Borough Recreation Committee presented Luke DeRenzo a plaque in recognition of doing his Eagle Scout project.

Luke DeRenzo commented he is two merit badges away from receiving his Eagle Scout status and thanked the Recreation Committee for recognizing his efforts, something he has never heard any scout has ever received before.

Administrator McHose congratulated Luke DeRenzo and the Franklin Recreation Committee for charting Troop Pack 90. Administrator McHose thanked the company who donated the plaque.

#### **Franklin Borough Historical Society**

Judy Williams, Franklin Borough Historical Society, 270 Wildcat Road, Franklin, stepped forward. Ms. Williams commented on a new project being sponsored by the Franklin Historical Society, a Scarecrow Contest. It is being called Franklin Finds Scarecrows Contest. Ms. Williams explained the research that was done to collect information for the contest. Ms. Williams also commented they applied for and received a grant through Forward Franklin Alliance to be used for purchasing materials to build frames that can be purchased by participants for \$10. Ms. Williams stated flyers will be up and registration will be September 16<sup>th</sup> thru October 18<sup>th</sup>. Judging will be on October 27, 2019, there will be 1<sup>st</sup>, 2<sup>nd</sup> 3<sup>rd</sup> place winners and a people's choice, winners will be announced on Halloween night, October 31, 2019 at 5PM at the Historical Society on Main Street. This contest is to promote community spirit, creativity and fun for all.

#### **Summary or Synopsis of Audit Report**

Mr. Tom Ferry, Borough Auditor stepped forward. Mr. Ferry commented he will briefly go over the 2018 Audit highlights by page number, starting with the statement of operations on page 7, this is like your income statement, revenues coming in and expenditures going out. The fund balance increased by \$71,000, the fund balance ended the year at \$2,592,000, a very healthy number. The general capital is where the Bond Anticipation Notes (BANS) and large projects are. Monica (Miebach), CFO has already put together a schedule to pay them (BANS) off in the 10-year period so there is no need to permanently finance them. On the water/sewer utility we put in more than we took out increasing it by \$87,000 ending the year with \$1,745,000 in fund balance, again this is good because we can utilize the fund balance for capital projects or down payments on BANS. Mr. Ferry referenced page 63, the tax levy, that compares the tax rates for years 2016, 2017 and 2018 explaining the effects to the reserve for uncollected taxes to the annual budget. The tax levy is 4.6% that is slightly higher than the 2 previous years, it is a bad trend but most other

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municipalities in Sussex County are showing the same trend which leads him to believe it is just the way the economy has been. Page 64 is an analysis of fund balance over the last 5 years, showing the balances for the current fund and water/sewer fund are looking very healthy.

Mr. Ferry commented there are 3 items of recommendations this year. As in previous years there is always a segregation of duties, internal controls comment associated with the tax collection and water/sewer utility departments. The only way to get rid of that comment is by hiring more people, which isn't going to happen because taxes would be increased. The other comment has to do with requisitions/ PO's being issued prior to an encumbrance being put in. Monica received a list of the departments and she has educated those departments on the procedures needed to be followed. Lastly, are the operations of the newly opened pond handled through the Recreation Commission. They, now the Recreation Committee has received the recommendations for maintaining records, internal controls and how to properly account for Franklin Pond collection of various badge fees and concession stand monies.

Administrator McHose thanked Mr. Ferry and explained how the Recreation Committee has resolved the Franklin Pond issues already this year as recommended.

Mr. Snyder requested a review of the LOSAP (Length of Service Award Program).

Mr. Ferry commented the LOSAP review is a part of the audit, it is in the trust fund. Mr. Ferry explained the disbursement process for those firefighters and EMTs who have participated. Since 2018 is the first year for LOSAP there are no comparable, there will be next year. Mr. Ferry also explained how LOSAP is budgeted, the first year is usually much higher because you must budget for all members in the departments, once the Borough is aware of participation the budget for LOSAP can be lowered.

### **COMMITTEE REPORTS**

Mr. Zydor had nothing to report.

Mr. Skellenger had nothing to report.

Mr. Snyder had nothing to report other than the Ordinance Committee meeting is changed to Monday, September 16, 2019.

Mr. Postas had nothing to report.

Mr. Ursin had nothing to report.

Administrator McHose had nothing to report.

Mayor Giordano had nothing to report.

### **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.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka commented on how the pond did this year. Ms. Tatka also commented on resolution 2019-83 that is on the agenda this evening.

Mayor Giordano commented that resolution will be removed from the agenda and referred to a committee.

Diane Sweller-Crum, 12 Green Street, Franklin stepped forward. Ms. Sweller-Crum commented she doesn't support resolution 2019-83, asking the Council to vote no.

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There being no one else present who wished to address the Governing Body, Mr. Zydor 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. Township of Hardyston Ordinance amending Chapter 185, "Zoning", of the Township of Hardyston township code adding the I-3 Industrial/Quarry zone district, amending article XVI, "regulations governing conditional uses" to establish regulations for quarry operations, and amending the location and boundaries of the open space government use (OSGU) zone on the zone map of the Township of Hardyston.
2. Montague Township resolution supporting the designation of "Franklinite" as the official mineral of the State of New Jersey.
3. Letter dated August 1, 2019 to the Mayor and Council from Hawkins, Delafield and Wood, LLP in regards to the issuance of a Bond Anticipation Note.
4. Resolution from Hampton Township condemning hate speech and encouraging citizens to be respectful when expressing their opinions.

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

1. Construction Report – August 2019
2. Permit Activity Report – August 2019
3. COH Report – August 2019

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

1. Application from Franklin Boy Scout Troop 90 to use the Franklin Senior Center on September 9, 16, 17, 23 and 30, October 7, 15, 21 and 28, November 4, 11, 18, 19 and 25 and December 2, 3, 9, and 16, 2019 and January 6, 13, 20 and 27, February 3, 4, 10 and 24, March 2, 3, 9, 16, 20 and 23, April 6, 20, 21 and 27, May 6, 13, 14, and 20 and June 1, 2, 8, 15, 22 and 30, 2020.

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

1. Payment of bills for the meeting of September 10, 2019.

Mr. Snyder made a motion to approve the consent agenda of September 10, 2019. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydor

Nays: None Absent: Limon, Soules Abstentions: None

### **OLD BUSINESS**

Mr. Snyder requested an update on the NJDOT roadway requests.

Administrator McHose commented she has been informed no resolution from the Council is necessary for the 3 items requested at the Walmart/McDonald's intersection and she is still waiting for additional information regarding South Rutherford Ave, North Rutherford Ave and the left turn lane at Taylor Road.

### **NEW BUSINESS**

Mayor Giordano commented resolution 2019-83 will be removed from the agenda, the subject will now be referred to the Council President, Stephen Skellenger to work on.

Mr. Skellenger requested the approval of Council on trade marking the Fluorescent Mineral Capital of the World logo.

Mr. Postas commented he will contact the Franklin Mineral Museum to ask if they would be willing to contribute to the cost.

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Mr. Skellenger commented he received a complaint on the length of time it is taking to mow one of our municipal properties on Maple Road. Mr. Skellenger requested the formation of a real estate committee. The purpose of this committee would be to determine if there are municipal properties that the council might want to put up for auction.

Mayor Giordano commented the committee would meet twice a year and they would do an analysis to determine which municipal properties to auction.

The Council agreed to move forward to form a real estate committee and have Mayor Giordano choose who will be on the committee.

### Approval of Meeting Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for August 20, 2019. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

### Resolution 2019-78

Mr. Skellenger made a motion to adopt resolution 2019-78 rejecting bid for rehabilitation of McCann Street Sewer Line project. Seconded by Mr. Snyder.

Mr. Postas commented this went out to bid and all the bids came back higher than what was calculated. Brian VanDenBroek recommended waiting until closer to winter when prices should come down.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

### Resolution 2019-79 Certifying review of the 2018 Audit

Mr. Skellenger made a motion to adopt resolution 2019-79 certifying the Franklin Borough Governing Body has reviewed the 2018 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

### Resolution 2019-80

Mr. Skellenger made a motion to adopt resolution 2019-80 to accept and approve for filing the corrective action plan for the Audit Report year 2018 prepared and filed by the Borough's Chief Financial Officer. (Corrective Action Plan attached.) Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

### Resolution 2019-81

Mr. Skellenger made a motion to adopt resolution 2019-81 designating July 22, 2020, as Franklin Borough breastfeeding awareness day. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

### Resolution 2019-82

Mr. Snyder made a motion to adopt resolution 2019-82 authorizing participation in the Federal 1033 program effective January 1, 2020 through December 31, 2020. Seconded by Mr. Skellenger.

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Mayor Giordano explained resolution 2019-82.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**Adoption of Ordinance 14-2019**

Mr. Snyder made a motion to adopt 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 PROTION 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.

Mr. Skellenger made a motion to open to the public ordinance 14-2019. Seconded by Mr. Postas. All were in favor.

No one from the public stepped forward.

Mr. Zydon made a motion to close to the public ordinance 14-2019. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**Introduction of Ordinance 15-2019**

Mr. Snyder made a motion to introduce ordinance 15-2019 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 56-1, EMPLOYMENT PRACTICES". Seconded by Mr. Skellenger

**Public Hearing will be held on September 24, 2019.**

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**Mayoral Appointment**

Mayor Giordano made the following appointment:

**Public Defender – James Opfer, Esq.**

Effective immediately

Term expires: December 31, 2019

Mayor Giordano commented our previous public defender passed away suddenly, it was a great loss to many he helped in the County.

Mr. Skellenger made a motion to approve the appointment by Mayor Giordano of James Opfer, Esq. as public defender. Seconded by Mr. Zydon. All were in favor.

**Discussion on space for food pantry**

At this time there was a discussion on space for the food pantry for their operation at the Senior Center.

Administrator McHose commented the Borough is in receipt of 2 commercial refrigerators for the food pantry as a result of the Federal 1033 program. Due to space limitations in the food pantry space they have been placed in another space in the Senior Center. It has been realized that it may be a better use of space to move the food pantry area from behind the county kitchen and utilize other office space in

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the Senior Center for the food pantry, by doing so it will allow a more convenient way to accommodate people in need as well as better storage for supplies. Since other groups use office space in the Senior Center we need to decide the most beneficial space for the food pantry and try to offer alternate areas for the group or groups that would be displaced by the change.

Mr. Postas suggested moving either the recreation and or the boy scouts to a different space because there is potential to combine those spaces into one, there is a side door for easy access and would also offer privacy for those coming for food. We have a growing need for the food pantry and it is important.

A discussion continued on space for the food pantry.

The Council agreed to give the food pantry one office in conjunction with the outdoor space they currently use and if in the future more space is needed it will be addressed at that time.

Mr. Postas commented he will contact the band who uses one of the offices for storage in case that office will be needed.

**Discussion of Forward Franklin Grant**

Mr. Postas made a motion to accept a grant in the amount of \$26,454.00 from the Forward Franklin Alliance for ADA Compliant playground equipment to be installed at the Franklin Pond playground. Seconded by Mr. Skellenger.

Mr. Snyder thanked Forward Franklin Alliance for the grant.

Administrator McHose commented there may be additional grant money that Forward Franklin Alliance is considering for flooring around the equipment. If this passes tonight Brian VanDenBroek will order the piece of equipment tomorrow.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**DPW Laborer Adjustment**

Mr. Postas made a motion to adjust Liam Smith from DPW seasonal part-time employee to DPW laborer permanent part-time status effective 9/15/19 at a rate of \$12/hr. as recommended by Administrator McHose, DPW Supervisor Brian VandenBroek and the Personnel Committee. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**DPW Laborer Adjustment**

Mr. Zydon made a motion to adjust Frank Fasolo from DPW permanent part-time employee to a full-time laborer position at a rate of \$19.20 (Step 2) effective 10/1/19, as recommended by Administrator McHose, DPW Supervisor Brian VandenBroek and the Personnel Committee. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

**DPW Laborer New Hire**

Mr. Zydon made a motion to approve the hiring of Gregory Cacace as full time DPW laborer at a rate of \$17.72 per hour (probationary) effective 10/1/19, as recommended by Administrator McHose, DPW Supervisor Brian VanDenBroek and the Personnel Committee. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon, Soules Abstentions: None

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**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. Zydon. All were in favor.

Tamara Contreras, 121 South Rutherford Avenue, Franklin stepped forward. Ms. Contreras suggested if it's possible to ask the community to help volunteer in assisting with installing the fitness stations. Ms. Contreras commented Forward Franklin Alliance is extended to November and there is re-allocation of funding available for anyone interested in applying for grant money.

Mayor Giordano commented a Community Day would be a great idea for helping with the installation of the fitness stations.

Mr. Snyder commented he is very disappointed this hasn't been done yet.

There was a discussion on the placement of the fitness stations.

Mr. Snyder commented he has been approached by some residents regarding debris along the roadways. This should be addressed using maybe a clean-up committee, or the boy scouts or SLAP.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Ms. Heath commented she agrees with Mr. Snyder on the debris around town and the storm drains are blocked along Maple Road.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on the landscaping at the Senior Center.

Mr. Zydon questioned who is responsible for the weeds that grow between the sidewalks.

Mayor Giordano commented the homeowner is responsible for maintaining the sidewalks in front of their homes.

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. Postas. All were in favor.

**MISCELLANEOUS COMMENTS**

Mr. Skellenger commented he was notified by Sheriff Strada informing him the SLAP program still exists and the administrator can send in a request.

**EXECUTIVE SESSION**

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

**ADJOURNMENT**

At 8:15PM, the Mayor and Council adjourned into executive session and did not return into open public session.

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Nicholas Giordano, Mayor

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Darlene J. Tremont, Municipal Clerk