

**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  
October 9, 2012**

Mayor Crowley 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: Ms. Gardell, Mr. Giordano, Mr. Limon, Mr. Snyder, and Mayor Crowley.

Absent: Mr. Kulsar, Mr. Zschack (Arrived approximately 7:22)

Mayor Crowley led the assembly in the flag salute.

Mayor Crowley stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

**CONSENT AGENDA**

Mayor Crowley 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 September 28, 2012 from Helen Homeijer RN, C, BSN, Sussex County Cancer Coalition Coordinator to Franklin Borough Mayor and Council.
2. Letter Dated October 1, 2012 from William Dressel, Executive Director New Jersey State League of Municipalities Re: Notice of Proposed Membership dues.
3. Information letter received September 26, 2012 regarding Pipeline Safety.
4. Franklin Borough Workers Comp Claims by Dept. 2011.
5. Letter dated October 4, 2012 from Jim Kilduff, Administrator to Jim Williams, President of the Franklin Fire Department RE: Spending Freeze.
6. Letter dated October 4, 2012 from Jim Kilduff, Administrator to John Shortino, President, Blue Diamond Disposal re: Franklin Borough Contract Vegetative Waste Collection Schedule, Exhibit "A".

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

1. COH report for September, 2012
2. Construction report for September, 2012
3. Tax Department report for September, 2012

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

1. None Filed

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

1. Payment of bills for the meeting of October 9, 2012

Mr. Limon made a motion to approve the consent agenda of October 9, 2012. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder,

Nays: None Absent: None Abstentions: None

**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  
October 9, 2012**

**COMMITTEE REPORTS**

Mr. Limon reported the Fire Department Parade was Saturday in Ogdensburg; Franklin Fire Department won all the awards. Recreation had a meeting they discussed the spending freeze which they will support. Mr. Limon asked if recreation could support the entertainment for the senior of the Year luncheon on October 20; the cost would be \$200.00.

Mayor Crowley stated we will talk to the CFO.

Mr. Limon reported the Halloween parade is October 27 beginning on Main Street and Rutherford Ave; ending at the Franklin Fire House.

Mr. Snyder asked Mr. Limon to explain the awards that were won by the Fire Department.

Mr. Limon explained the awards; one was for the large Fire Department award, one trophy was for the 1994 Fire Engine, an overall trophy and second place for the antique truck.

Mr. Snyder reported after the tax sale tomorrow there will need to be a budget committee meeting.

Ms. Gardell had nothing to report.

Mr. Giordano had nothing to report.

Mr. Ursin had nothing to report.

Mr. Kilduff reported some items from his administrator's report which is also on file in the clerk's office.

Mayor Crowley thanked the Girl Scouts for placing the pink ribbons supporting breast cancer awareness around the Borough; the Girl Scouts also remove the ribbons at the end of October. Mayor Crowley also congratulated the Fire Department on the awards they won on Saturday at the Parade.

**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. Giordano. All were in favor.

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

**OLD BUSINESS**

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

**NEW BUSINESS**

**Approval of Meeting Minutes**

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting held on May 22, 2012. Seconded by Mr. Limon (Absent: None)

**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  
October 9, 2012**

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder,

Nays: None Absent: None Abstentions: None

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting held on June 12, 2012. Seconded by Mr. Snyder. (Absent: Kulsar, Limon)

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder,

Nays: None Absent: None Abstentions: None

Mr. Giordano made a motion to approve the meeting minutes of the Regular Meeting held on September 25, 2012. Seconded by Mr. Limon (Absent: None)

Upon roll call vote:

Ayes: Gardell, Giordano, Limon Snyder,

Nays: None Absent: None Abstentions: None

Resolution 2012-71 Regarding Educational Training

Mr. Giordano made a motion to adopt resolution 2012-71 regarding educational training for the Mayor and Council. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Gardell, Limon Snyder,

Nays: Giordano Absent: None Abstentions: None

Shared Service agreement for Construction Office Services

Mr. Giordano made a motion to approve a two year shared service agreement between Hardyston Township and Franklin Borough for Construction Office Services. Seconded by Mr. Limon.

Mr. Giordano questioned in the appendix 11 section B termination they still have a clause in here where we can't terminate the contract to November 1, we have to have written notice to the other Municipality on or before November 1 of the prior calendar year. All the contracts the Borough has signed with Hardyston there is a 90 day out. Mr. Giordano would like that to be extended.

There was a discussion on the amount of days to terminate a contract.

Mayor Crowley stated if you don't like the way the contract is written then vote against approving the contract.

Mr. Snyder stated how many people they bring on is a concern of his; they have five now.

Mayor Crowley commented they can bring in other towns. We all had this concern as to whether or not Hardyston can fill their obligation then we would give them notice. Obviously we would talk to them before that to try to get better service.

Ayes: Gardell, Limon, Snyder,

Nays: Giordano Absent: None Abstentions: None

Discussion on Route 23 Pump Station

At this time there was a discussion on the bids for Route 23 Pump Station.

Mayor Crowley said let the record show that Mark Zschack had joined the meeting.

**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  
October 9, 2012**

Mayor Crowley explained the bids were opened we received a very low bid; the question is whether the contractor could do the services with the low bid. Mayor Crowley stated Tom Knutelsky, the Borough engineer, looked into this; Mr. Knutelsky went over all the items with the contractor. At this point Mr. Knutelsky does recommend accepting the lowest bid.

Mr. Kilduff said we received a letter today from Mr. Knutelsky stating that he had reviewed the four bids submitted on September 20 for the above referenced project and he recommended the contract be awarded to Longo Electrical Mechanical with the low bid of \$75,600. The Bid documents were also reviewed by our attorney Mr. Ursin and he acknowledged that these bids are available for award tonight.

Mrs. Gardell asked if there was any explanation on the difference of price; referring to the price of the pump.

Mr. Ursin commented the difference in pricing for the pump would be the brand name of the pump.

Mr. Kilduff explained the pricing of the pump.

Mr. Ursin stated the engineer has to make the determination as to whether in fact the pump is equivalent to the pump meaning it meets all the specifications and if it doesn't there will be a problem.

Mr. Kilduff stated this bid is \$53,775 less than the next lowest bid.

Mr. Ursin stated under local contract law is two folds; one is the bid compliant with the bid specifications, the low bid is yes. The second is whether the lowest bidder is a responsible bidder in the meaning of the local public contract law. That is what the engineer has looked into so far and has recommended to the Council to award the low bidder. In the contracting process if it comes up that there was a problem or a mistake or some other thing; that will come up in the contracting process. That is why there are bid bonds and those types of things. Mr. Ursin explained just because there is a gap in the bids is not a reason to reject the bid.

There was a brief discussion on the bid.

Mayor Crowley asked for a motion to accept this bid.

**Mr. Zschack made a motion to accept the bid from Longo Electrical Mechanical in the amount of \$75,000. Seconded by Mr. Giordano.**

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Discussion on Well C

At this time there was a discussion regarding the improvements for Munsonhurst Road Well House addition of Well C.

Mayor Crowley stated the discussion on Well C is basically it is the same discussion we went out to bid; there is one very low bidder for all the same reasons. The town engineer recommends we accept the lowest bid. The engineer has checked this out and put it in writing.

**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  
October 9, 2012**

Mr. Kilduff stated the bid was for \$75,089. Mr. Kilduff stated he had to clarify something for the benefit of the Council. The bid was presented at \$61,889; he asked Mr. Knutelsky what the discrepancy was he referred to the unit cost for item 14 saw cutting. Mr. Kilduff stated the low bid is \$75,089; the saw cutting number is wrong. Mr. Knutelsky has had discussions with contractor and that price will be adjusted.

Mayor Crowley asked it is still the lowest bid.

Mr. Kilduff stated yes by far.

Mayor Crowley asked Mr. Ursin if there was any problem with them adjusting this.

Mr. Ursin said mathematical errors can be corrected so long as the bid is responsible.

Mr. Kilduff commented the next lowest bid was \$102,350.

Mr. Kilduff said the low bid is DPS Pump Service LLC. they are a local company out of Hopatcong.

Mayor Crowley asked for a motion to accept this bid.

**Mr. Zschack made a motion to accept the bid from DPS Pump Service LLC. in the amount of \$75,089. Seconded by Mr. Giordano.**

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: None Abstentions: None

Discussion on Background Checks

At this time there will be a discussion regarding background checks.

Mr. Ursin stated in response to a recent background check ordinance; he made a suggestion to update the ordinance. Mr. Ursin gave a summary as to why there was a need to update the ordinance. Mr. Ursin this ordinance is drafted and will be distributed for the next meeting.

Introduction of Ordinance #7-2012

Mr. Giordano made a motion to introduce an ordinance entitled "**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF FRANKLIN IN THE COUNTY OF SUSSEX.**" Seconded by Mr. Zschack.

Mrs. Gardell said there is a reference to section G and there is not a section G; she didn't know if there were pages missing or if there were typographical errors in the ordinance.

Mr. Ursin stated it is typographical error; that should have been a C.

Mr. Kilduff asked what page is that on.

**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  
October 9, 2012**

Mr. Ursin said it is on page three.

Mayor Crowley asked if that could be corrected for the final.

Mr. Ursin replied absolutely.

Mayor Crowley stated we have a motion and second and call for a roll call.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon Snyder, Zschack

Nays: None Absent: None Abstentions: None

**Final Reading October 23, 2012.**

**EXECUTIVE SESSION**

There was no executive session

**MISCELLANEOUS COMMENTS**

Mayor Crowley commented one of the Councilman mentioned according to Roberts Rules there should not be discussion when it comes to the roll call. During roll call it is either a yes, no, or abstain; there should not be any discussion at that point. If you want to discuss anything it is fine; it has to be done before he calls a vote.

Mr. Ursin stated that is correct.

Mrs. Gardell mentioned electronic waste is this Saturday up to five items.

Mr. Snyder asked about the vehicles that can be auctioned.

Mr. Kilduff stated Mr. Ursin is preparing a resolution that will be on the next agenda.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 7:39 p.m., seconded by Mr. Snyder. All were in favor.

---

Paul B. Crowley, Mayor

---

Robin Hough, Acting Borough Clerk