

**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
November 13, 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: Mrs. Gardell, Mr. Giordano, Mr. Limon, Mr. Snyder, Mr. Zschack, and Mayor Crowley.

Absent: Mr. Kulsar

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."

Mayor Crowley stated we have a presentation tonight. Christopher Martinez was not here yet so the Council moved forward with the consent agenda.

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 October 12, 2012 from Richard E. Constable III, NJ Department of Community Affairs to Mayor Crowley Re: Ordinance Adopting a Redevelopment Plan.
2. Letter dated October 19, 2012 from Jeffrey C. Fletcher, to Mayor Crowley and Council Re: Transbanc International.
3. Letter dated October 23, 2012 from New Jersey Legislature Offices 24th District, to Jim Kilduff, Administrator.
4. Letter dated October 24, 2012 from Robin Hough, Acting Borough Clerk, to Jeffery Fletcher, Transbanc International Investors Corp. Re Correspondence Dated October 9, 2012 and October 19, 2012.
5. Letter dated October 25, 2012 from Anthony L. Marchette, Executive Director New Jersey Housing Mortgage Finance Agency to Mayor Crowley.
6. Memo dated November 1, 2012 from Lori Mitchener, Secretary to Recreation, to Mayor and Council, Re Recreation Meeting of 10-24-2012.
7. Letter dated November 7, 2012 from James Kilduff, Administrator to Christopher Martinez.
8. Letter dated November 8, 2012 from Jim Kilduff, Administrator to Ms. Kathleen Muzyl Re: Taylor Road.
9. Information regarding Christie Administration awards \$13.1 Million in Grants to bolster local recycling efforts.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for October 2012.
2. COH report for October 2012.
3. Police Department report for October 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Franklin Quilter request to use the Franklin Senior Center on the 1st and 3rd Tuesday's of each month from 7:00 PM to 9:00 PM for the calendar year 2013.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 13, 2012.

Mr. Limon made a motion to approve the consent agenda of November 13, 2012. Seconded by Mr. Snyder.

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Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

COMMITTEE REPORTS

Mr. Zschack had nothing to report.

Mr. Limon reported there will be a recreation meeting at Borough Hall tomorrow night at 7:00 PM.

Mr. Snyder reported they received all the evaluations and they will be going over the evaluations.

Mr. Giordano had nothing to report.

Ms. Gardell had nothing to report.

Mr. Ursin had nothing to report.

Mayor Crowley commented we have a few legal issues for executive session.

Mr. Ursin replied yes.

Mr. Kilduff reported items from his administrator's report dated November 13, 2012, which is on file in the clerk's office.

Mayor Crowley reported there was a lot of damage in the Borough due to the storm; compared to neighboring communities the Borough did very well, JCPL has a few more houses to energize. The OEM, Police, Fire Department all the volunteers worked well and did a great effort to make sure everyone was safe during the storm.

Mayor Crowley reported he went to the nutrition center today to tell them the County will be giving the Borough \$23,000 to help fund the site, this was a surprise and he was very pleased to hear this. There are a lot of people that use the site; there are four nutrition sites in the County; he believes that Franklin's is one of the biggest. The County is also trying to give us more services from their Senior Services Department.

Mayor Crowley stated the Borough has a lot of volunteers; in the recreation department we have a young man who has come to all the recreation meetings, been available to help at almost every event that he can think of in recreation. His services to Franklin Borough and his efforts are an inspiration to everyone in the town and are greatly appreciated. Mayor Crowley said he decided to honor him and make him an honorary member of the Franklin Borough Recreation Commission.

Mayor Crowley asked Christopher Martinez to step forward. Mayor Crowley presented Christopher with a plaque for all his volunteer efforts and thanked him for a job well done.

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 Mrs. Gardell. All were in favor.

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Fred Babcock, 75 High Street, Franklin, stepped forward. Mr. Babcock stated at the last meeting the leases for the Fire Department was approved; he thanked the Council.

Mayor Crowley stated to bring back to the Fire Department our thanks for everything they did during this last storm.

Mr. Babcock commented we had one of our members house catch fire during the storm; we are going to have a benefit for him on November 30, it is a Friday night, spaghetti dinner.

Mr. Snyder asked Mr. Babcock to tell everyone what the Fire Department had done to help the residents in south Jersey.

Mr. Babcock explained he received a call from the County Fire Marshal requesting for the Fire Department to get permission from the Mayor and Council to have one engine with 5 qualified firemen to go to south Jersey and assist down there. He had five guys that were willing to go; they were down there for one 24 hours shift; they did 22 calls in 24 hours which is really unheard of.

Pat Rowett, 36, Rte 23, Franklin, stepped forward. Ms. Rowett commented on the response to the storm with the live wires in the road and the trucks that were allowed to go through the closed road.

Joe McDonald, 12 North Street, Franklin, stepped forward. Mr. McDonald commented he read an article about the town doing a reassessment of the homes.

Mayor Crowley explained there was a presentation regarding the reassessment at the previous meeting.

Mr. McDonald stated he would not like to see a reassessment and gave his reasons why he would not like to have a reassessment.

Mr. Ursin explained how the reassessment would benefit the town.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented on taxes. Mrs. Tatka updated the Council on the outages on Susquehanna Street. Mrs. Tatka compared JCP & L to Sussex Rural Electric regarding the technology that Sussex Rural Electric had compared to JCP & L. Mrs. Tatka commented on the discussion regarding discontinuing the Board of Public Works.

Mayor Crowley explained some of the reasons why the Council is considering discontinuing the Board of Public Works.

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 Mrs. Gardell. All were in favor.

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

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Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on September 11, 2012. (Absent: Mr. Kulsar, Mr. Limon) Seconded by Mr. Zschack.

Upon roll call vote:

Ayes: Gardell, Giordano, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mr. Snyder made a motion to approve the meeting minutes of the Regular Meeting held on October 23, 2012. (Absent: None) Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Animal Control Services

Mr. Snyder made a motion to approve the Interlocal Service Agreement for Animal Control Services for 2013 between Wantage Township and the Borough of Franklin at an annual rate of \$10,910. Seconded by Mr. Limon.

Mayor Crowley stated this is a 2% increase from last year.

Mr. Zschack asked if services were looked at anywhere else in the area.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-80 Water and Sewer Refund

Mr. Snyder made a motion to adopt resolution 2012-80 authorizing the water and sewer collector to credit the account of NP 1300 LLC Block 1101 Lot 1 in the amount of \$5,866.25. Seconded by Mr. Limon.

Mayor Crowley explained this was due to a clerical error; this is not real money going out.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Resolution 2012-81 Authorizing the Issuance of Bond Anticipation Note

Mr. Kilduff requested this resolution be withdrawn from the agenda; after talking with the CFO we realized there were better ways for the Borough to raise money.

Mr. Ursin stated no formal action is required; it's a resolution Council takes no action on it you move on to the next item.

Dispatching/PSAP Contract with Sparta Township

Mr. Snyder made a motion to discuss at this time an Interlocal Agreement between the Township of Sparta and the Borough of Franklin for Sparta to provide for a three year period 911 Public Safety Answering Point (PSAP) Seconded by Mr. Giordano.

Mayor Crowley explained our dispatching is done by Sparta; everyone is aware that the County is trying to get on a County wide system which may go into effect within

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the next year. Whether the Borough will go with them or not will depend on what happens with Sparta.

Mr. Kilduff stated we have been discussing with the County to move the Borough's 911 system with the County. The County is telling him it may be up sometime mid 2013. The contract that was received from Sparta required a 90 day notice before the end of the succeeding year so it could be a whole year if we gave them notice in January. Mr. Kilduff stated he asked Sparta to modify the contract so the Borough could get out on a 90 day bases.

Mrs. Gardell commented do we table this until Sparta comes back with a revised contract.

Discussion on E –Ticketing

Mayor Crowley explained how e ticketing works and how it cuts down on the officer's time. Mayor Crowley stated he would recommend this.

Kevil Kiel, representing GTBM, stepped forward.

Mr. Giordano asked about a plate reader and to explain to the Council how that technology works specify and what benefit it might have for the Borough.

Mr. Kiel commented they are all self standing units; the plate reader is independent to the E- ticketing, to the MCIC and the computer system. The plate reader never turns off; it never misses a license plate, it is programmed to read license plates. When a wanted car or a suspended driver comes up it will come up on the screen immediately as a hit and the officer has probable cause to pull that vehicle over and make an arrest. This is also for silver alerts and some amber alerts. The system is updated once a day; it is extremely sufficient.

Mr. Giordano stated right now we are down a few guys on the police force; his interest is to make each officer more efficient in their jobs. E- Ticket is not only a benefit for the officer on patrol but for the Court Clerk as well.

Mr. Kiel explained to the Council some of the benefits.

Mayor Crowley stated talking with the Chief of Police we expect to have a lot more traffic violations when the Bridge is closed, with people cutting threw Davis Road and Scott Road. We will have a lot more complaints on those roads and a lot more traffic. There is a cost to this but the cost would be overshadowed by the efficiency of the officers with the summons. Mayor Crowley stated in his opinion it would pay for itself.

Mr. Snyder asked if the purchase price was for two vehicles.

Mr. Keil commented we have one currently up and running.

Mr. Snyder asked how many towns are involved with this.

Mr. Keil stated we have over 100 throughout the State. This is relatively a new technology; it has only been out about two years. Mr. Keil stated he thinks the Chief would agree the officers are real comfortable with this; it does come with training.

Mr. Snyder commented he is concerned with down time; how long would it take to response to fixing the equipment.

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Mr. Keil commented we come immediately out and put a new one in.

Mr. Limon asked with E- ticketing does that actually scans your license, registration and insurance card.

Mr. Keil explained it is like a swiping devise; if the car is registered to you the car would come up with your information then he explained the scenario if you were driving your wife's car. Mr. Keil explained the month reports that would be run from the system.

Mrs. Gardell asked is the e-ticket software, hardware or both.

Mr. Keil stated both; the hardware would be the printer and each car would have a printer. They have one in one of the patrol cars now if you wanted to see it. Mr. Keil explained the software.

Mrs. Gardell commented we have one.

Mr. Keil commented this will be for an additional two.

Mrs. Gardell asked if this can be transferred between vehicles.

Mr. Keil replied yes; if a patrol car was retired or in an accident the system can be placed in a working vehicle.

Mayor Crowley asked if for some reason they are riding down the street and the system goes it. The officer can always go back to the paper tickets until the technician can come up here.

Mrs. Gardell asked if this would include you transferring the system to another vehicle.

Mr. Keil stated it does; we wouldn't do this any other way unless you bought it outright and you had owned it you can do what you want with it. If it breaks you are liable to fix it.

Mrs. Gardell asked about the internet with the system.

Mr. Keil stated they already have that.

Mr. Snyder asked if the paper would be included.

Mr. Keil commented the paper is included; they would prefer to supply the paper and explained the reason why.

Mr. Kilduff stated some points for the benefit of the Council the proposal submitted is for 5 years, he had asked for a three year contract to compare the \$2.11 per ticket is based the five year contract; average based on the number of summons issued previously by Franklin. The cost per ticket goes down if you exceed that number to \$1.54 under this contract proposal. Mr. Kilduff commented Mr. Ursin has to review the contract.

There was a discussion regarding this being on the Morris County Coop.

George Petropoulakis, Vice President of GTBM was present for the discussion.

The discussion continued on E-ticketing.

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Mayor Crowley stated the final contract will be on the agenda next meeting for final approval.

Mayor Crowley asked Chief McInerney to step forward.

Chief McInerney stated we have used e-ticketing for about three months now; it has worked tremendously. The officers are very happy with this system; it is definitely a good move he would highly recommend e-ticketing.

Discussion regarding the Borough Calendar

Mayor Crowley stated there is a cost to the Borough calendar, the money that funds this comes from recycling; the money can be used for something else. A lot of people rely on the calendar; especially the senior citizens.

Mr. Zchack asked if there was any way of reducing the amount of people we mail the calendar to.

There was a discussion regarding the calendar and whether or not to continue the calendar.

Mayor Crowley stated the consensus is to go forward with the calendar.

Discussion on Board of Public Works

Mayor Crowley stated the Board of Public Works has not had a meeting this year; historically this Board was very powerful. Over the years Council decided to take the obligation of the Board of Public Works authority. The Board just makes recommendation to the Council; the Council makes the final determination. This costs money; when the Board meets they have an attorney sometimes an engineer, secretary and sometimes DPW have to attend. Most of the things this year have been done by the administrator; the administrator does the day to day operations of the Board of Public works. Mayor Crowley commented he would take a serious look at disbanding the Board; we have gone all year without having a meeting it would seem there is not a necessity for the Board.

Mrs. Gardell commented if there isn't a board there are responsibilities to be picked up administratively by the employees and Mayor and Council. Things like reviewing the rates for water and sewer against actual costs. This is probably something that is over due at this point. There have been no applications.

Mr. Ursin stated if you want to disband the Board of Public works it would be an ordinance change; he would prepare an ordinance for the Council to review the Council could introduce it pass it on second reading. Mr. Ursin commented the Board of Public works and probably predating his involvement with this town had a much different roll. The Council delegated some of its power either formally or informally to make the Board of Public works almost like the regulator of the utilities in town. Formerly and legally it was never that way; all the things you talked about are currently with the Council. So the final decision on rates or setting rates on a yearly bases, decisions on EDU's all is with the Council. As the Mayor said both the legal and practical effect at this point is highly advisory.

There was a discussion in the Board of Public Works and its authority.

Mayor Crowley said we can reduce them from a Board to a committee; they did do a lot of work when we had the garbage issue.

Mr. Giordano commented his theory is that EDU's could become political.

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Mr. Ursin stated right now those are the Council's responsibilities.

Mrs. Gardell asked if the Board was a separate legal entity.

Mayor Crowley commented not really, they have no power. Everything they do is advisory.

Mr. Ursin stated the accounting situation would stay exactly the same; it is still a utility and it is a self liquidating utility. Right now the town Council runs all the departments in town; including the utilities. The only way you take them outside of Council control formally and legally and effectively would be to create an authority.

Mr. Zschack stated if it is an advisory committee why do we pay professionals why do we have an attorney go there or an engineer. They could still meet four times a year and give the Council advice and the Council can decide whether it needs to go to an attorney or an engineer.

Mayor Crowley commented those positions are from prior years when they did have authority.

Mr. Zschack stated that would reduce the cost and we can continue it.

The discussion continued on whether or not to have the Board of Public Works.

Mr. Ursin stated to do an ordinance it doesn't cost anything except publication costs. He encouraged the Council to direct him as to what they wanted to do then to just leave it on the books because it creates confusion as we move forward to have an ordinance code that stated the Board of Public Works does 10 things but they are not meeting. That is inconsistent.

Mayor Crowley stated if we go in another few years for a garbage contract again; we can make an Ad Hoc committee to do the study.

Mayor Crowley commented we don't have to make a decision tonight. He can talk to the Board of Public Works members and get back to the Council.

Discussion Sussex/Warren partnership

Mayor Crowley explained to the Council the Sussex/Warren partnership is advocating prevention of child sexual abuse. This was previously on the consent agenda; they keep calling back to find out if we have taken action. The action would be Council approve a resolution supporting them so they can use our support as part of their advertising campaign. They are not asking the Borough for money. Obviously everyone does with their ideals; they want to know if the Council will take action. Mayor Crowley asked the Council if they wanted to do a resolution on this or just leave it the way it is.

Mr. Limon stated he thinks we should leave it the way it is; if not this will open the flood gates to do 100 of these types of resolutions.

Mrs. Gardell stated she agrees.

Mayor Crowley commented he would call them and state the Council supports them but is not taking any action.

Discussion on Tax Abatement (PILOT)

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Mayor Crowley said the last discussion is on Tax Abatement and pilot programs. Right now we have an ordinance that is being processed for the possibility of tax abatements in the future. There is a problem with that ordinance; he would like to reintroduce that ordinance tonight. The other ordinance is already on the books; he would like to reintroduce the ordinance because the fees that were put in there were not accurate. We can change it at the last minute. Both ordinances would be on the agenda at the next meeting.

Mr. Ursin explained the fee schedule in the ordinance and how the fees were calculated. He is recommending introducing a new ordinance with a new number; it will be the exact same tax abatement ordinance that was introduced before except the fee schedule. Mr. Ursin explained the new fees being recommended.

Mr. Ursin stated if the Council went along with the fee change you would introduce this as the exact same ordinance you passed at the last meeting with the adjusted rate schedule. At the next meeting they would both come up for second reading you would vote no on one and consider adopting the other as you see fit.

Mayor Crowley commented we introduce this new ordinance .25 percent is actually .0025 when you multiply. Mayor Crowley asked for a motion to introduce a new ordinance; the exact same as the old ordinance except to change the fees to .0025 or .25 percent.

Mrs. Gardell asked if that was for any amount.

Mayor Crowley stated it is for one straight fee.

There was a discussion on PILOT programs and rates.

Mr. Giordano made a motion to introduce the new Ordinance as discussed with the rate at .25 percent. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

Mr. Ursin stated he would work with the clerk regarding notice etc.

Final reading November 27, 2012

There was a discussion on developer's fee, payments in lieu and tax abatements. Mayor Crowley explained the PILOT programs that are presently in the Borough.

Mr. Ursin explained this ordinance is just setting up the framework for this program if you wanted to set this up in the future. The Council can pass this ordinance so that you are allowed to consider PILOT programs and you can never adopt one; that is up to the Council. Just keep in mind this is not your final check and approval. This is authorizing the Council to do this in a redevelopment zone in the future. Mr. Ursin explained how the tax assessor would have to value the property every year.

Thomas Greva, attorney stepped forward. Mr. Greva stated he agreed with everything that was said regarding PILOT programs the only issue he saw that was introduced last week and heard the introduction of tonight's ordinance was with respect to the fees. It was a positive step reducing those fees. These ordinances are designed to encourage larger developers to come in and to invest in the Municipality. Mr. Greva gave an example of what an application fee would be.

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EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session to discuss legal matters, attorney client privilege matters. Motion seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Gardell, Giordano, Limon, Snyder, Zschack

Nays: None Absent: Kulsar Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:31 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mrs. Gardell commented on the election and how busy the polls were. District 3 where she worked as a poll worker did 40% more than one of the other districts. Mrs. Gardell stated it was a long wait for the voters. Mrs. Gardell suggested for this to be checked into to see if there could be any other options.

Mr. Ursin stated Ms. Hough is the election official in town. Mr. Ursin and Ms. Hough will interface with the Board of Elections and asked these questions.

There was a brief discussion on the election, machines and poll workers.

Mr. Snyder referred to Mr. Kilduff memo regarding Borough employees. Mr. Snyder thanked the Borough employees for working on Saturday on their own time. Mr. Snyder suggested the Borough get a generator; he also said there was a shortage on gas through Hardyston.

The Council discussed getting a generator for the Borough. There was also a discussion on looking into getting away from depending on getting gas the Borough needs from Hardyston.

Mr. Kilduff stated for the Borough to get their own diesel tanks and put them in down at the rte 23 south pump station. There is room there and a fenced in closer. Put in a large tank to take care of all the diesel fuel needs; if we can do gas as well that would be great.

Mr. Giordano suggested having drills with the office of emergency management to learn how to respond to emergency situations.

There was a discussion on emergency situation.

Mrs. Gardell requested to look into getting e code (general code) up to date.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Zschack made a motion to adjourn the meeting at 9:48 p.m., seconded by Mr. Limon. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Acting Borough Clerk