

**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 26, 2013**

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: Mr. Babcock, Mr. Giordano, Mr. Limon, Mr. Snyder and Mayor Crowley.

Absent: Mr. Zschack

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 Susan Gardell handed in her resignation shortly after the last meeting. The Gardell's are relocating, the closing for their house was pushed up. They had planned on relocating after the first of the year; they had to close before that which made her not a resident of Franklin. Mayor Crowley accepted the resignation; this leaves a vacancy on the Council.

Mayor Crowley stated Mrs. Gardell was elected as an Independent, we do not need a recommendation from a political party. At this time he recommends to the Council we fill this position; appoint David Fanale to the Franklin Borough Council. Mr. Fanale is the Councilman elect for that seat, this would be the appropriate thing to do.

APPOINTMENT

Mr. Limon made a motion to appoint David Fanale to Franklin Borough Council to fill an opening caused by the resignation of Independent Councilwoman Susan Gardell. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder,

Nays: None Absent: Zschack Abstentions: None

Mayor Crowley asked the Clerk to administer the Oath to David Fanale.

At this time Borough Clerk, Robin Hough administered the Oath to David Fanale to fill the unexpired term of Councilman.

Mayor Crowley congratulated Mr. Fanale and welcomed him to the Council. Mayor Crowley commented he will be back at the reorganization meeting to be sworn in again for his actual term of office.

Mayor Crowley commented we were going to present Mrs. Gardell with a certificate of appreciation; we will ask her to come back for the reorganization meeting.

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 November 14, 2013 from James C. Kilduff, Administrator to Shirley Nagy, Re: Block 1302, Lot 17, 39 Buckwheat Road.
2. Letter dated November 15, 2013 from Helen Homeijer, Sussex County Department Environmental and Public Health Services to Franklin Borough Mayor and Town Council.
3. Memorandum dated November 14, 2013 from Elaine A. Morgan, Clerk of the Board of Chosen Freeholders to All Sussex County Municipal Clerks, Re:

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Ordinance to amend the fee schedule of the Department of Environmental and Public Health Services.

4. Email dated November 13, 2013 from Susan Gardell to Mayor Paul Crowley Re: Resignation.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for October, 2013.
2. Construction Permit Activity Report for October, 2013
3. Police Department Report for October, 2013
4. Police Mileage Report for October, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 26, 2013.

Mr. Snyder made a motion to approve the consent agenda of November 26, 2013. Seconded by Mr. Limon.

Mr. Babcock asked for item number one [letter from the Borough Administrator to Shirley Nagy] be pulled from the consent agenda.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

COMMITTEE REPORTS

Mr. Limon reported they are waiting for the police chief contract.

Mr. Giordano reported Recreation is having the annual Holiday Tree lighting at 5:00PM on December 7. We are having a rein dog contest; that starts at 4:00PM. Mr. Giordano reported he had been working with Brian Vandebroek regarding his employee agreement. Mr. Giordano had given everyone on the Council a copy of the agreement; hopefully the Council can review that contract and have it on the next meeting agenda.

Mayor Crowley stated later in the meeting under old business he will have Mr. Giordano bring out the particulars of the agreement.

Mr. Snyder reported there was a meeting with the finance budget; we reviewed long term capital projects going forth. We are still going to consider moving forward with those projects.

Mr. Babcock had nothing to report.

Mr. Ursin had nothing to report.

Mr. Kilduff reported items from the following administrators report which is also in file in the clerk's office.

Borough Sites and Street Issues

Lighted Christmas decorations are being installed on Main Street. JCP&L has not yet announced the rates for this service which is based upon the number of fixtures and number of days. We are anticipating the cost will be between \$1,000 and \$1,500 for a one month display starting around December 2nd.

The contractor for E-06 is making final preparations for pouring of the concrete deck early next week to keep this bridge project on track for reopening by the end of the year. Progress on E-07 continues with the base layer of pavement on both approaches installed today.

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The National Highway Traffic Safety Administration (NHTSA) recently reported pedestrian fatalities make up 14% of all traffic fatalities, an increase of 8% since 2011. Residents and drivers are reminded to be pedestrian safety conscious.

Financial Control/Legal Issues

The tax collector reports continued improvement over last year's collections. Collections for the first three quarters (98.95%, 98.23% & 97.06% respectively) exceed the budgeted collection rate of 96.32%. Only the 4th quarter collections at 93.07% remain under the budgeted collection rate.

Hillside Estates annual license renewal is on tonight's agenda. The mobile home park operator has satisfied all requirements for renewal of its two licenses. Hillside Estates has also made application for automatic CPI rent increase in accordance with the Borough's ordinances. The operator has provided all necessary documentation for the automatic increase which was reviewed by the Borough's rent leveling attorney. The 2014 CPI increase is 1.56% of the base rent, corresponding to rent increases of approximately \$7 to \$10 per month.

Operational/Personnel Matters

The Borough is in receipt of Susan Gardell's signed resignation as Councilwoman. Her husband, Rick Gardell has also resigning from the Zoning Board of Adjustment. The Gardells are in the process of moving out of town and likely will not be residents in December. Councilwoman Gardell joined the Council in 2011 as an Independent. Rick Gardell joined the Zoning Board in 2005. In addition to their active participation on the Council and Zoning Board, The Gardell's are professional land surveyors and have often volunteered their time and expertise to provide valuable surveying information to the Borough and the County. We thank them for their dedication and service to the Borough.

A draft contract for Brian VanDenBroek was received yesterday. Copies were distributed today.

The New Jersey Department of Labor and Workforce Development have sent the Borough a compliance notice relative to a recent inspection of DPW facilities. Abatement procedures are underway; no fines are anticipated.

A police officer, injured in the line of duty and out on worker's compensation, is recovering from surgery and is expected to be out until early January.

A police vehicle was involved in a motor vehicle accident on November 16th. No bodily injury was reported. Damage was assessed at \$3,214.65.

Statewide Insurance conducted a safety meeting with department heads on November 22nd. Safety issues and insurance claims were reviewed. The Borough's record was consistent with prior years with no discernable trends; 8 workers comp claims were posted for 2013.

Land Use Matters

The Planning Board meeting of November 18th was cancelled. The next meeting is scheduled for December 16th.

Long-term and Capital Projects

The budget review committee met on Friday, October 15th to consider a capital budget for 2014. The CFO has begun budget meetings with department heads.

Miscellaneous

Due to the Thanksgiving Holiday, Blue Diamond has added today into their collection schedule for vegetative waste pickup. The waste hauler will also be picking up vegetative waste the day after Thanksgiving, this Friday afternoon, November 29th.

Hobart J. Burd, a former member of the Zoning Board of Adjustment, and former principal of Franklin School, passed away last week. Jay was a WWII Navy veteran, a well-known community volunteer and coach. He will be missed by his family, friends and the Borough.

JCP&L is continuing its outreach to public officials with another presentation of their storm response and outage restoration process scheduled for December 12, at their Morristown offices.

Mayor Crowley reported December 7 is a venison dinner at the Firehouse \$25.00 per person. Mayor Crowley announced because of the Thanksgiving Holiday the Borough Offices will be closed Thursday and Friday and reopen on Monday morning.

OPEN PUBLIC SESSION

Mr. Babcock made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Snyder. All were in favor. Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina asked if the Borough ever did a study on solar panels.

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Mayor Crowley explained what the Borough had done regarding solar panels with the County.

Mr. Durina comment on the consent agenda there used to be if any member of the Council wishes an item on the consent agenda to be removed it always used to say or public. Does the public have the right to comment on the consent agenda?

Mayor Crowley commented as far as he knows the public has the right to take something off the consent agenda and to be placed on the regular agenda. The public doesn't have the right to get up and get involved into something; but if something needs to be taken off because of the public request that can be done.

Mr. Durina questioned what is an executive decision by the Mayor.

Mayor Crowley explained the responsibilities of the Mayor.

Mr. Durina gave his concerns regarding talk that has been on the internet about Franklin Borough. Mr. Durina gave an example of negative comments regarding Franklin he handed copies to the Mayor and Council President.

Pat Rowett, 36 Rte 23 Franklin, stepped forward. Ms. Rowett addressed her concerns of the ordinance from two weeks ago from a business person point of view. Ms. Rowett referenced the ordinance as 161-32. Ms. Rowett also commented on a letter to the editor written by Jim Kilduff Franklin Borough Administrator.

Ms. Shirley Nagy, 39 Buckwheat Road, Franklin, stepped forward. Ms. Nagy commented on November 12 she had addressed the Council regarding her complaint and the reason she should not lose her shed. Ms. Nagy commented she received a letter from Mr. Kilduff referencing her complaint. Ms. Nagy explained to the Council why she feels she should not have to remove her shed an event that happened years ago regarding water on her property.

Mayor Crowley stated when you talked to Mr. Drossel he issued you a permit to place a garage [on your property]. At that time he explained the laws as far as buildings and the sheds on your property. It was noted on the permit that in order to get the garage you would have to remove one shed or combine them. At that time you had agreed to that.

Ms. Nagy commented I needed a garage; on the other hand when all this was happening with the flooding every time she called she was told she needed to talk to so and so and she has a log of all the calls that were made.

Mayor Crowley commented he can't speak for that [what happened prior] because he didn't know what was going on. Mayor Crowley stated you came to town hall asked for a garage permit to be made; it was issued with the prevision that one of the sheds be taken down, which you had agreed to.

Mayor Crowley commented if you want to move forward with the number of sheds you need then you would need to get a variance from the Zoning Board.

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. Snyder. All were in favor.

OLD BUSINESS

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Mr. Babcock referred to Ms. Nagy's problem, it sounds like there was a garage there they had it closed due to the water problems, which we saw pictures of [last meeting]. There was a problem as far as the town end to berm it up or put a berm there which never happened. Mr. Babcock commented the problem was never fixed, he thinks we are punishing her by making her go to zoning due to the fact she already had a garage there. No we are making her remove one of her sheds; which you can't see anyway.

Mr. Giordano commented he agreed with Mr. Babcock. Mr. Giordano asked if the water comes down Buckwheat Road and goes into the driveway. Mr. Giordano commented he believes we [the Borough] would have some responsibility.

Mr. Ursin stated if the Council had some thoughts about this perhaps the Council should ask the Engineer to look into this [issue] and give some comment on the situation. The engineer is in a better position to indicate if anything should be done, what should be done and so forth.

Mr. Giordano agreed that would be a reasonable course of action.

Mayor Crowley commented to have the Administrator talk to the Engineer to look at this.

Mr. Babcock stated in the mean time he thinks Ms. Nagy is in violation where she is going to get fines; to extend that.

Mayor Crowley commented under old business he would like to discuss the contract for Brian Vandenbroek.

Mr. Giordano referred to a contract he had worked on with Mr. Vandenbroek. Mr. Giordano stated basically the contract is exactly as the Council was emailed the other day. Mr. Giordano referred to the Contract comparing to the draft contracts from September 13 and September 16 salary is as agreed from the negotiation which is \$88,700; the figure is a combined salary saving from the two positions that were combined. There is a two percent increase yearly; a \$5,000 base salary increase that is effective after the position of CPWM requirement, which is a requirement in the contract and we [the Borough] would take care of the schooling. Mr. Giordano commented the contract would be retroactive to the first of September and there would be no back pay prior to that.

Mayor Crowley commented if this contract is not approved until the end of December he would then get another 2 percent January 1.

Mr. Giordano commented it would be retro back to the first of December.

Mayor Crowley stated he would get two raises.

Mr. Giordano stated that could be possible; if we had settled the contract quickly and efficiently we would not be in this position and he thinks there is fault on both sides to that.

Mayor Crowley commented that was Mr. Giordano's opinion.

Mr. Giordano stated that is a qualified opinion; he is a person that was not involved in any of the negotiations.

Mr. Giordano commented we originally had Mr. Snyder and it was a period of over one year.

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Mayor Crowley stated originally Councilwoman Miller after that Councilman Snyder was involved. Mayor Crowley commented he wanted the general public to know these negotiations have been going on since Mike Gunderman left.

Mr. Limon commented on his efforts when they were already 18 months into these [negotiations] we were to go a certain route but this was not what we had, it seems like when someone gets representation things change. This is the forth copy of the contract that he has seen since the first of the year and he thinks this is very over board. Mr. Limon commented he doesn't think we should even have a contract for a CPWM we should only have contracts for the Administrator, Police Chief that is it we don't need to have a third contract for the Borough.

Mr. Giordano commented the three contracts are the FOP, Chief and Administrator.

Mr. Limon commented he was under the impression we were going to move forward and everyone is under the umbrella of the employee handbook aside from Administrator and Police Chief. We used to have 16 contracts in the Borough years ago now we have slimed it down and it became very efficient. After looking at this again he thinks this is unfair to the tax payer what is involved here.

Mr. Snyder commented it was a long and hard negotiation for a fellow that wanted to better himself regardless of what we [the Council] had thought. The agreement is one of the things he [Mr. Vandebroek] wanted to have so he had some stability going down the road. Back two almost three years ago when he was put in this position; he was put in this position by the Council, he didn't want the position at that time. That was our [the Council] putting him [Mr. Vandebroek] into the position he is in now. Mr. Vandebroek has gone almost three years without getting any extra compensation for what he has done; taking over two departments the town and taxpayers have saved several thousand of dollars over that time where we would have been paying for a DPW Supervisor and Road Department Supervisor which we don't have now. If we couldn't come up with an agreement going forward we wanted to put back another road supervisor. He thought that was ridiculous. Mr. Snyder commented he thinks the agreement is a great agreement right now.

Mayor Crowley commented we couldn't come to an agreement on the terms; now we have an agreement made. Mayor Crowley commented he personally feels this person [Mr. Vandebroek] is capable of doing the job; well versus in those areas and going to school but he doesn't think financially this is a good agreement for the Borough and the Tax payers. It makes this position one of the highest paid in the Borough and the highest paid employee. For towns this size he doesn't see anyone making this type of money.

Mr. Snyder asked if anyone looked into seeing what other towns are paying their Road/Water Supervisor.

Mayor Crowley commented it is considerably more for the bigger towns not for the smaller.

The Council continued to discuss the contract.

Mayor Crowley commented at this point he asked Mr. Ursin to go over a final draft and bring a signed agreement to the Council hopefully at the next meeting.

NEW BUSINESS

Approval of the Minutes

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Mr. Giordano made a motion to approve the regular meeting minutes and executive session meeting minutes for November 12, 2013. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Adoption of Ordinance #14-2013 Cooperative Pricing Agreement

Mr. Giordano made a motion to adopt ordinance #14-2013 "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH PASSAIC COUNTY FOR PARTICIPATION IN THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM" Seconded by Mr. Limon.

Mr. Limon asked how do you opt in and opt out of this.

Mayor Crowley asked Wendy Molnar and Mike Brown from Concord Engineering to step forward.

Mr. Brown commented passing the ordinance takes the Borough one step closer to exploring potential savings. Mr. Brown explained what the next step would be if the ordinance was passed.

Mayor Crowley asked if residents opt out how long does it take them to opt out.

Mr. Brown stated it usually takes to the next meter reading.

Mr. Babcock asked if there was a cost for that.

Mr. Brown stated there is no cost for opting out, there are no hidden fees the rate is the rate and what you [the residents] is going to pay. Mr. Brown commented on the commercial side there is an opt in process for businesses that want to participate.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance #14-2013.

Joann Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked they are saying opting in on the ordinance it says you are automatically enrolled.

Mr. Ursin commented residential are automatically opt in unless you opt out, commercial is opt in.

Mrs. Tatka commented residents should have a choice from the beginning not saying to enroll everybody and then if you want out you can get out. Mrs. Tatka asked about additional hearings on this matter.

Mayor Crowley closed the ordinance to the public and asked if there was any further comments from the Council.

Mr. Giordano commented he had some issues with this; he doesn't believe that he has the right to tell people what electric company they have to buy their electric from. Mr. Giordano stated he realizes this maybe a savings; he doesn't think it is his right and the Borough Council doesn't have the right to say you are all now in the Passaic County Coop you have to Opt out. If this was an opt in versus and opt out and then have an opt in period where you have an amount of days to opt in that would be

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more agreeable. Mr. Giordano commented he will vote no on this and every single aspect of it every time he can. He will not support this at all.

Mr. Ursin stated the ordinance that is before you is to take the next step to participate in the program as described. This is not the final step there will be additional steps; the Council can take that into consideration. What you are voting on tonight is what is presented.

Mayor Crowley stated this is a positive thing; it is ultimately good for all the residents in the Borough it will be a savings. Residents get the savings from having a group that is why they need to get as many people in as possible. At this point there isn't a lot to lose and there is a potential savings for the general public.

Mr. Snyder stated this is change; for some people they don't want to see change they want to see same old. Here we [the Council] are trying to help them make that change so they can save some money.

Mr. Fanale explained an experience he had personally with a third party electric company. Mr. Fanale commented if the residents could opt into this without having everyone winding up with a surprise bill.

Mr. Brown explained the Borough is not committing to anything other than moving into the next step of the process to get the price. Once the auction has been conducted and there is a winning bid and we have heard from the residents of Franklin Borough that is when you are going to be presented with a decision to move forward at that time and not until then.

Ms. Molnar commented the government is already setting the rate, New Jersey sets the rate. We can beat the price by having a cooperative that is why the State of New Jersey has done this. Residents will still get a bill from JCP & L this will just be a line item on the bill.

Mr. Ursin stated you have a motion to pass an ordinance on the table, public hearing is closed if you want to open a debate someone should made a motion to open the debate; you can't let the Council's debate which is supposed to happen leading up to the vote and then be interrupted with extra input without a vote of the Council.

Mayor Crowley opened Ordinance 14-2013 to the public.

Pat Rowett, 36 Rte 23, Franklin, stepped forward. Ms. Rowett explained an experience a friend had with third party electric.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez asked if a resident wanted to opt out and there was a problem could we come back to you. If the bills triple and he is having a problem opting out who is going to pay for that triple bill.

Mr. Ursin commented if a resident had a complaint it would be with BPU not to Franklin regardless of what contract Franklin solicits on behalf of [residents] that live in the town the regulation is still from BPU.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented he is retired from JCP & L Company now First Energy with 30 years of service. Mr. Durina commented he does have a problem with opting out. Mr. Durina asked how come the residential have to opt out and the commercial doesn't have to opt out. Mr. Durina commented he called JCP & L, they don't care who you buy your power from,

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but he thinks the professionals should answer the questions. Borough officials don't know the answers.

Mayor Crowley closed Ordinance 14-2013 to the public.

Mr. Ursin stated he did hear a number of times if the ordinance was voted on tonight this was taking it one step forward and there would be another opportunity to vote on this. That is not the way he sees this ordinance drawn up, this is the model ordinance proposed by Passaic [Coop]. Mr. Ursin advised the Council to look at section one, 1-5, it is pretty [clear] that the Borough is participating in this agreement and number 5 leaves the last step to the Mayor and Administrator to enter into the contract not to come back to the Council. Mr. Ursin stated his comments are not for or against this being a good idea but when you are voting on something and the debate is fairly wide ranging he wants the Council to read exactly what they are voting on; not his words the words in the ordinance.

After reviewing this section Council members offered additional comments.

Mayor Crowley called for a vote

Upon roll call vote:

Pass: Babcock

Ayes: Fanale, Limon, Snyder

Nays: Giordano, Babcock Absent: Zschack Abstentions: None

Resolution 2013-103 Statewide Insurance Fund Appointing Fund Commissioner

Mr. Giordano made a motion to adopt resolution 2013-103 appointing James Kilduff, Administrator, as the fund commissioner for the Local Unit for the year 2014 and Darlene Tremont, Confidential Secretary to the Administrator as the Alternate Fund Commissioner. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Resolution 2013-104 Appointing Risk Management Consultant

Mr. Giordano made a motion to adopt resolution 2013-104 appointing Wayne Dietz-Skylands Risk Management Inc. its local Risk Management Consultant and the Borough Administrator authorized representative of the public entity and Risk Management Consultant are here by authorized to execute the Risk Management Consultant Agreement for the year 2014. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Risk Management Consultant's Agreement

Mr. Giordano made a motion to approve the 2014 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Request for payment of unused sick days

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Mr. Giordano made a motion to approve the request of Allen Space for payment of unused sick days (approximately 44) upon retirement. Payment to be made at the rate of \$50.00 per day. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: Babcock

Disability payment

Mr. Giordano made a motion to approve disability payment to Stephen Heller, equivalent to 66/23% of his salary and to grant a Leave of Absence, for the period October 31st until December 31st. During this time the Borough to continue health and pension benefits.

Mr. Ursin commented before someone seconds that motion, he asked Mr. Kilduff if the insurance company approved the disability payment.

Mr. Kilduff commented yes.

Mr. Ursin stated he was going to suggest that be part if the motion if hadn't make it contingent on that. He has no further comment.

Seconded by Mr. Limon.

Mr. Kilduff explained to the Council he met with Mr. Heller today, Mr. Heller had asked for two months. Mr. Kilduff commented the Borough should make this contingent on a Doctor's note supporting that or make this a flat two months as requested.

There was a brief discussion on the motion.

Upon roll call vote:

Ayes: Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: Babcock

Hillside Estates Mobile Home License Renewal

Mr. Giordano made a motion to approve renewal of the 2014 Mobile Home Park Licenses. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

Resolution 2013-105 Amending the Employee Handbook

Mr. Giordano made a motion to adopt resolution 2013-105 amending the employee handbook. Seconded by Mr. Limon.

Mr. Kilduff explained the amendment to the employee handbook.

There was a brief discussion on the resolution.

Upon roll call vote:

Ayes: Babcock, Fanale, Giordano, Limon, Snyder

Nays: None Absent: Zschack Abstentions: None

EXECUTIVE SESSION

There was no executive session.

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MISCELLANEOUS COMMENTS

Mayor Crowley asked Mr. Ursin to explain the procedure of passing during a roll call vote and the clerk's position.

Mr. Ursin commented following the last meeting the Clerk and Administrator looked up Roberts Rules whether or not there was a provision for a pass. Mr. Ursin expressed he was a little surprised; this is not something that is employed and Robert's Rules specifically states if a Councilman is not ready to vote at the time his name is called he can pass one time and when the vote comes back to him at that time he is required to give one of the votes expected. There is a provision for one pass.

Mr. Snyder asked what if there is a pass from each Council member.

Mr. Ursin stated you can only pass once; theoretically if all six people pass then you go around again there is no provision for passing a second time you are required then to cast your vote. This is not something he has seen used.

Mr. Snyder commented he has been on the Council ten years now and this is the first year he has heard this; except for a few months ago when we used this.

Mr. Giordano asked if the vote has to be always in alphabetical order.

Mr. Ursin stated Robert's Rules has a presumption if the Council doesn't pass a specific rule on it then Robert's Rules says you go alphabetically. Keep in mind every year at the reorganization meeting the Council adopts the rules and proceedings of your meetings. Typically most Council just say they are adopting Roberts Rules and move on. If the Council wanted to change something that would be the time to change it and it would apply to that years Council.

Mayor Crowley commented Robert's Rules are always talked about but that is a book put out by someone years ago; it is not a law, all these things are superseded by the laws for the State of New Jersey first, then local ordinances and what the clerks are being taught before they come to us. If anyone wants to make any changes at the reorganization meeting to let Mayor Crowley know before the meeting.

Mr. Babcock commented DPW is short handed and with snow season they are really shorthanded.

Mayor Crowley commented there has been an ad placed in the paper for part time help.

There was a discussion on the help needed for DPW department.

Mayor Crowley wished everyone a Happy Thanksgiving.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:28p.m., seconded by Mr. Snyder. All were in favor.

Paul B. Crowley, Mayor

**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 26, 2013**

Robin Hough, Borough Clerk