

**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  
January 28, 2014**

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. Giordano, Mr. Limon, Mr. Snyder, Mr. Babcock, Mr. Fanale 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 he wanted to bring to the Council and the public's attention some of his colleagues brought up at the end of last year; one is the open public session, the comments should be directed to the Mayor and not to the Council people. The discussion is with the Mayor unless he opens it [the discussion] to the Council people and kept to a three minutes maximum per person. It has been brought to the Mayor's attention at times people go beyond three minutes. Mayor Crowley commented he brought in a timer for three minutes.

Mayor Crowley stated he had been criticized for allowing people to have discussions in the meeting both up here on the dais and in the [public] while other people are talking; so he will be more diligent with the gavel asking that people refrain from discussions at the meetings. Mayor Crowley stated when people come up to the open session to make remarks; if you talk business with the Borough you are better off trying to contact the administrator because he knows more of the answers than he does on the everyday business or if you feel that the three minutes is not long enough you can call the clerk's office, find out when he is available [to meet] at town hall or you can get his cell number from the clerk which is also on his business cards. This will keep the meeting going a little faster.

Mayor Crowley commented under new business is the ambulance agreement for the first aid squad. The first aid squad is here; they also have a meeting at 7:30 so he will move the agenda to number 2. Mayor Crowley asked for a motion to approve the Ambulance Service Agreement between Borough of Franklin and Sparta Ambulance.

Ambulance Service Agreement

Mr. Limon made a motion to approve the Ambulance Service Agreement between the Borough of Franklin and Sparta Ambulance Squad from January 1, 2014 to December 31, 2014. Seconded by Mr. Babcock.

Mayor Crowley asked if the Council had any discussion. This was discussed at the last meeting there were some changes which was in the Council's packet.

Mayor Crowley stated since we are going out of order and bringing this to a vote before we are open to the public would anyone from the public have any questions concerning the First Aid Squad.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

Terry Gallagher, Captain of the Walkkill Valley First Aid Squad, commented now that the agreement is signed we will start next Monday officially; dispatch will know to call

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them first. Our policy has been written, Sparta's policy has been written so we will hand this into Sparta's dispatch center. Mr. Gallagher stated he has contacted their dispatcher; he is waiting for an email tonight, then he will change everything over tomorrow and start Monday February, 3.

**COMMITTEE REPORTS**

Mr. Limon reported there was a lengthy personnel meeting earlier this month. Mr. Limon apologized for not being present at the last meeting. A lot of the items we recommended as a committee is on the agenda for tonight. Mr. Limon commented what is not on here [agenda] is to immediately hire a full time road department or advertize as such. Mr. Limon stated we [the personnel committee] went over 18 items that day; we are waiting on a report from the CFO for non uniform employee raises. Which is not on the agenda this evening.

Mr. Babcock asked what is the latest with the Chief's contract.

Mr. Limon commented we are meeting next week in the evening.

Mayor Crowley commented regarding personnel he would like to see a policy for reimbursement for Council members at conventions. If there is any stipulations that we can go for training courses.

Mr. Limon asked if he should write something up.

Mayor Crowley commented one of the things we talked about is if a council person is not running for office and leaving us in January; they really should not be going to the convention. We don't have any policy; a couple of years ago we were given a certain amount of money and we stopped giving that.

Mr. Giordano reported recreation had their meeting last Wednesday; we had a new member Russ Bernstein, we discussed some items that are on the Administrator's report. Mr. Martinez is the chair for recreation.

Mr. Snyder reported the finance committee will be getting together to go over the budget; the administrator will go into more detail in his report. There is a short period of time that we need to do this and it will be a lot of work.

Mr. Babcock had nothing to report.

Mr. Fanale had nothing to report.

Mr. Ursin, Esq., request executive session to discuss the PERC case briefly.

Mr. Kilduff reported the following administrator's report which is also on file in the clerk's office:

**Borough Sites and Street Issues**

The DPW has continued to do a great job maintaining safe driving conditions on Borough roads during winter weather advisories. The DPW Manager advises bad weather conditions resulted in salt and/or plowing activity on January 10<sup>th</sup>, 15<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup> and 25<sup>th</sup>. A report on winter road clearing activity will be provided to the Council for the next meeting.

Finally, bringing closure to a 16 year old issue, the Borough Administrator has recently received a "No Further Action" (NFA) letter from NJDEP. The NFA letter concerns a leaking fuel oil storage tank, removed from Borough Hall property in 1997. The NJDEP is also cancelling its \$2,475.00 invoice to the Borough for site remediation fees. Thanks to the 24<sup>th</sup> legislative district for their assistance in closing the file on this matter.

Councilman Fanale has volunteered his professional expertise in wildlife management to assist the Borough with its geese problems at the pond recreation area. Mr. Fanale is helping to prepare new NJDEP and US Fish and Wildlife permits for managing the geese population. There are no fees for these permits.

DPW Manager Brian VanDenBroek is meeting with vendors to get pricing for replacing the ball field netting. The replacement netting material is expected to run in the \$7K to \$10K range. Funds for this

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improvement are available in Recreation ordinance #15-2004 which has a balance of \$36,152. With the advent of spring the DPW Manager will be scheduling maintenance projects at the recreation area.

Financial Control/Legal Issues

Budgets must be introduced by March 11<sup>th</sup> and are due in Trenton on March 14<sup>th</sup>. The Finance committee will meet on Saturday, February 8<sup>th</sup> to review budget detail and discuss with the Council at their February 11<sup>th</sup> meeting. A Council budget workshop will be held on Wednesday, February 19<sup>th</sup> at 7PM in the Council Chambers and the Council will have another opportunity on February 25<sup>th</sup> to discuss budget matters before introduction of the municipal budget on March 11<sup>th</sup>. Each year one third of municipal budgets are subjected to full review by the Division of Local Government Services. This year Franklin's budget will be included in that review process.

The League of Municipalities has issued a Correction Advisory indicating the new state law applying to minimum wages hikes does not apply to local government units. The Borough is, however, bound by the federal minimum wage rate. One part-time employee is affected by this correction.

The CFO advises the Borough saved \$12,086 in electric generation charges in 2013. Most of these savings can be attributed to the Borough's participation in the Passaic County Energy Cooperative. Other savings realized last year are \$40,000 from the Hardyston Construction Department, & \$5,000 from the new copier lease.

The CFO also advises the recent retirement of a DPW worker has resulted in a calculated savings of \$27,000 for a full time equivalent replacement at a lower rate of pay.

The Tax assessor advises property reassessments are proceeding smoothly and will be completed by Friday and sent to the County Tax Board next week. Due to the reassessment, this year the deadline for appeals is extended to May 1<sup>st</sup>.

Operational/Personnel Matters

A police officer injured in the line of duty remains out of work and is continuing a physical rehabilitation program managed by worker's compensation.

A DPW employee, out of work for medical reasons, is undergoing additional treatment and will be out of work until at least February 7<sup>th</sup>, pending physician review.

Recently retired DPW employee Allen Space declined an invitation to be publicly recognized for his service to Franklin. We thank Allen again for his good work and dedication as a longtime employee. The Mayor has conveyed the Borough's appreciation in personal correspondence and a plaque for Mr. Space.

On Friday, January 24<sup>th</sup> a second interview was conducted with a police officer candidate. Mayor Crowley, Council members Zschack and Giordano, Chief McInerney, Lieutenant Smith and the Administrator were all present for the interview. As a result of that meeting a conditional offer of employment is being recommended tonight. The starting pay, in accordance with the police contract is \$43,839. This matter has been added as an addendum to tonight's agenda.

The Borough email address system is in the process of being upgraded; the old hyphenated reference to Hardyston Township ("*frank-hardy.org*") will be replaced with the Borough's new domain name: "*franklinborough.org*". All employee email addresses will follow the same format to facilitate the public's use of email addresses. The cost for the changes will be approximately \$140.

At the January 14<sup>th</sup> Council meeting a mistake was made in naming the new part time employee. His name is: "Jesse Bogart" not: "Jesse Burde".

Land Use Matters

The Zoning Board reorganized on January 14<sup>th</sup>. Richard Kell and Louise Murphy were re-elected as Chair and Vice-Chair respectively.

The Planning Board reorganization and January regular meeting, scheduled for Tuesday, January 21<sup>st</sup> were cancelled due to last week's winter storm. These meetings have been rescheduled for Monday, February 3<sup>rd</sup> commencing at 7:15p.m.

Long-term and Capital Projects

Concord Engineering has contacted the Borough regarding public outreach for the energy aggregate program. The purpose of the outreach program will be to advise Borough residents and answer all questions regarding implementation of the program.

The Borough's Engineering Company (Harold Pellow & Associates) has been asked to expedite projects of interest, e.g. roadway milling & paving, I&I, wells, natural gas conversion.

Executive Session

An executive session is requested to discuss litigation in the matter of a PERC filing by the DPW.

Miscellaneous

[www.ChooseNJSites.com](http://www.ChooseNJSites.com) is a searchable database of commercial buildings and sites throughout New Jersey.

Mayor Crowley commented in talking about the DPW facilities last time; he asked the administrator to contact the Council people and if any Councilman want a tour of the DPW facilities to go down there a couple at a time; make sure there is not a quorum and go through the different buildings so you can see firsthand the building down there. Mayor Crowley commented if you are in interested the DPW supervisor

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can take you by the wells and pump station so you have an idea of what is involved with them.

Mayor Crowley commented he didn't get a chance to talk to all the Council members about the committee's yet; he understands some of the council members schedules will be changing.

**OPEN PUBLIC SESSION**

Mr. Snyder made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Babcock. All were in favor.

Joe Martinez, 39 Woodland Road, Franklin, stepped forward. Mr. Martinez commented he had made a recommendation regarding recreation back in September and wanted to follow up on that.

Mayor Crowley commented he was at the recreation meeting; we are talking to the DPW supervisor regarding the netting. In the spring they will go over and look at the other projects to get the fields in shape and look at the long term project. One is the lighting of the sign.

Mr. Martinez commented one of his concerns was he reported back in 2012 there where holes in the field on the hard ball and soft ball side. This needs to be addressed beforehand.

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

**OLD BUSINESS**

Mr. Limon stated a while back salaries were discussed for the Council and the Mayor. Franklin is one of the lowest in the County. He thinks to get qualified candidates with the amount of hours that the council members put in we should put back on the table what was voted on the last time. Mr. Limon commented he didn't know what the increase was, it was minimal.

Mr. Kilduff commented last year the Mayor made a recommendation for only increases for the Council people.

Mr. Limon commented he agreed. That is the reason why he wanted to bring this up and put it on the agenda for the next meeting to let us all think about it.

Mayor Crowley commented small increases over time so you don't have a large increase. With doing the budget this is the proper time to look at this.

Mr. Limon asked if there was any way to look into this [Council increases] while we are doing the budget.

Mayor Crowley commented yes.

Mr. Giordano recognized an employee that has been working for the Borough for 43 years; Freddie Babcock's anniversary with the Borough is 43 years.

**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):

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1. Letter dated January 17, 2014 from James C. Kilduff, Administrator to Jesse Bogart confirming part time employment with Franklin Borough's DPW Department.
2. Memo from Jim Kilduff, Administrator to Borough Employees Re: E-Mail Addresses.
3. Letter received January 17, 2014 from Service Electric Cable T.V. of New Jersey, Inc. Franchise Fee, Franklin to Mayor and Council.

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

1. Health Department report for December, 2013.
2. Municipal Court Report for December, 2013.
3. Tax Department Report for December, 2013.
4. Police Department Report for December, 2013.
5. Construction Permit Activity Report for December, 2013.
6. Fire Marshal 2013 yearend report.
7. Sussex County Municipal Utilities Franklin Borough Flows October, November and December 2013.

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

1. Application for Vending Machine license renewal for Wal-Mart.
2. Application for Vending Machine license renewal for Coca-Cola.
3. Application for Vending Machine license renewal for Anytime Fitness.
4. Application for Vending Machine license renewal for Shop Rite.
5. Application for Vending Machine license renewal for Redbox Automated Retail.
6. Application for Vending Machine License renewal for Double M. Vending.

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

1. Payment of bills for the meeting of January 28, 2014.

Mr. Limon made a motion to approve the consent agenda of, 2014. Seconded by Mr. Babcock

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

**NEW BUSINESS**

Approval of the Meeting Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for January 14, 2014. (Absent: Limon) Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

Resolution 2014-15 Purchase of Ice Control Materials

Mr. Snyder made a motion to adopt resolution 2014-15 authorization to provide for the purchase of ice control materials for the Department of Public Works. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

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Resolution 2014-14 Qualified Purchasing Agent

Mr. Snyder made a motion to adopt resolution 2014-14 appointing Monica Miebach as the Borough of Franklin's Qualified Purchasing Agent with a salary increase of \$5,000 effective the date of this resolution. Seconded by Mr. Limon.

Mayor Crowley stated by having our own QPA we don't have to go out and get a part time QPA; this gives the Borough better ability for purchasing. This also brings the Borough's threshold higher before going out to bid.

Mr. Fanale asked who has been covering this so far.

Mayor Crowley commented Monica has been doing this.

Mr. Fanale asked how much is spent each year if this is done by somebody outside.

Mr. Kilduff stated it would depend on how many times we would go out to bid.

Mr. Fanale commented \$5,000 a year is another chunk of [money], these numbers across the board with these increases are really adding up between employees. This is done after there was major opposition to our Administrator being compensated, not even that much, for training that would be for the betterment of the Borough not even a year ago, not even six months ago. Mr. Fanale stated he doesn't understand, does this have to be passed. It just seems like it came out of nowhere.

Mayor Crowley stated it didn't come out of nowhere. Mrs. Miebach has been taking courses to be QPA for a period of time and it was discussed at the personnel committee. This is being supported by the personnel committee.

Mr. Fanale commented was this with the blessing of the personnel committee before taking the course.

Mayor Crowley commented Mrs. Miebach was approved to take the course by the Council and the personnel committee.

Mr. Giordano asked if this is something we can offer as a shared service. Mr. Giordano commented Franklin Borough has a shared service agreement with Sussex County; maybe we can get an increase with the County with the increase of a QPA.

There was a discussion on a shared service.

Mr. Limon stated this was recommended by the personnel committee; we discussed this at length.

Mr. Snyder commented the compensation should be there for the fact it is a qualification she received and would save the Town of Franklin.

Mr. Fanale stated if it will save the Borough money then that is good.

Mayor Crowley commented one of the things we asked Monica with doing the budget is do we have the money for these raises.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

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Personnel: Darlene Tremont

Mr. Snyder made a motion to appoint Darlene Tremont to full time status as Administrative Assistant in addition to her other duties as Confidential Secretary and Deputy Registrar. Seconded by Mr. Limon.

Mayor Crowley stated this is being recommended by the personnel committee also at this time this individual is working a little less than full time; that decision was made several years ago. Mayor Crowley commented he has always been against not this person specifically but in general having employee's work one hour a week less than other employees just to save, it is not fair to the employee that is working the same amount of time but not getting the same benefits as other people.

Mr. Limon stated we [personnel committee] read through several recommendations from the employee's supervisors.

Mr. Babcock asked there is no pay raise with this increase.

Mr. Kilduff commented no pay raise.

Mr. Fanale asked how did it get to this point; what was the method behind having a full time employee at this position with no increase in population; thanks to certain members of the public there is not meaningful commercial construction going on. Mr. Fanale commented regarding rabies, dog licenses, he has never seen that under the jurisdiction of the clerk's office. It is always been the Board of Health.

Mayor Crowley commented there is no Board of Health employees, a lot of this stuff nobody else does ends up in the clerk's office.

Mr. Fanale stated so far since the handsome contract has been awarded to the DPW supervisor the flood gates are open now. Mr. Fanale commented he admires Darlene but jobs were getting done before and they keep piling more on one person.

Mr. Giordano explained when he first came on the Council he advocated for cutting back and cutting back. When Mr. Kilduff first became administrator we had massive cut backs in Borough Hall, which also coincided with the change of the shared service agreement with the tax collection with Hardyston. Mr. Giordano commented both of these jobs the people are critical to their various departments. Mr. Giordano commented when we hired Darlene we hired her as the confidential secretary. Mr. Giordano commented this rectifies a situation we should have rectified a year ago.

There was a discussion regarding this being in the budget, full and part time employees and employees working one hour less than full time employee.

Mr. Snyder explained how Darlene Tremont's hours went to 34 hours per week. Mr. Snyder commented the reason why that was made because we needed someone in the office for more hours; that is what the administrator was requesting at that time. We [the council] thought it would be best to do that and bring her up from 25 hours to 34 hours. We didn't want to be burdened with another full time employee and paying benefits at that time. Mr. Snyder stated it comes down to it is the right time. Mr. Snyder commented he has seen the work she [Darlene] has done; it is admirable work it goes back to what he has said before about personnel. Mr. Fanale commented he is not questioning anyone's skills.

Upon roll call vote:

Ayes: Giordano, Snyder, Limon, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

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Personnel: Wendy Burdge

Mr. Snyder made a motion to appoint Wendy Burdge to full time status as Police Secretary/Records Clerk. Seconded by Mr. Giordano.

Mayor Crowley commented basically this is the same situation.

Mr. Limon stated this is the exact same situation.

Mr. Babcock asked there was a part timer there with Wendy; what happened.

Mayor Crowley stated she quit

Mr. Babcock asked we were suppose to replace that person.

Mayor Crowley commented to do the business that needed to be done Wendy's hours were increased.

Mr. Fanale commented you had two part time personnel let's not compensate and make up for the loss you keep piling more work to hire another full time employee.

Mr. Snyder commented there always has been and always was for two decades down there [police department] a full time person and a part time person.

There was a brief discussion on part time and full time personnel at the police department.

Mayor Crowley commented we are basically repeating ourselves.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock,

Nays: Fanale Absent: Zschack Abstentions: None

Zoning Officer Hours

Mr. Snyder made a motion to approve up to 5 additional hours per week for the Zoning Officer for a total of 25 hours per week. Seconded by Mr. Giordano.

Mayor Crowley explained this position is part time now, it was felt by the personnel committee we can use more hours for the zoning officer. Mayor Crowley stated he [the zoning officer] is doing a good job; he goes out there and is very confident about his job. One thing that happens because the zoning officer is issuing citations he brings people into court which is time consuming; we burn up his hours sitting in court and he has reduced hours downstairs.

Mr. Limon stated there was various requests salary and hours; the personnel committee recommended no on salary.

Mayor Crowley referred to the personnel committee meeting; there were other requests most of them where denied and not brought to the Council; only the ones that we felt should go forward positively were brought to the Council.

Mr. Giordano stated this is one position he thinks should be a full time job. We have disasters with garbage, landlords that don't do work on their houses, there is a lot of things in the town that is the zoning officer's job to address.

Mr. Snyder commented can we have what he does come back to the Council on a monthly bases without cutting too much into his time.

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Upon roll call vote:

Ayes: Giordano, Limon, Snyder

Nays: Babcock, Fanale Absent: Zschack Abstentions: None

Discussion: DPW Personnel

At this time there was a discussion regarding DPW Personnel staffing.

Mayor Crowley commented at this point one of our full time employees Allen Space retired; that position was filled with the part time position we hired and one part time [position] was increased. The other position is a full time position; that person is on medical leave, he should be coming back to work in a few weeks. This is a discussion to either hire more people with this full time person coming back to work.

Mr. Limon made a recommendation that we offer full time to the part time employee if recommended by the supervisor and the administrator. Seconded by Mr. Giordano.

Mr. Babcock commented we had Mr. Gunderman retire, Alan Space retired, and we let one of the employees go and we didn't hire one back.

Mr. Giordano stated we did budget last year to have an extra guy; the guys are taken a beaten. He saw the assistant supervisor out sanding. Mr. Giordano commented he was adamant in saying we don't have enough guys to do the snow plowing and this is a man that has 43 years experience.

There was a discussion regarding work done by DPW workers and whether or not to increase this person from part time to full time.

Mr. Ursin stated the motion on the table is to promote the recently hired part time DPW worker to full time status at the same pay.

Mr. Limon stated that is correct.

Mr. Ursin commented we all know the person you are talking about.

Mr. Kilduff stated his name is Jesse Bogart.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Fanale

Nays: None Absent: Zschack Abstentions: Babcock

Mr. Limon asked where are we at with all the [DPW] employees wearing the same uniform.

Mayor Crowley stated he would talk to the administrator regarding that.

**ADDENDUM**

Mr. Snyder made a motion to approve a conditional offer of employment to Michael Van Hooker for the position of Police Officer at the starting step salary of \$43,839, per contract. This offer to be conditioned upon: successful completion of Police Academy training and obtaining P.T.C. certification; satisfactory background check; satisfactory psychological and medical examinations. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

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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 the PERC Litigation. Motion seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Babcock, Fanale

Nays: None Absent: Zschack Abstentions: None

Mr. Ursin commented he would like to make a statement there could be action taken when we return to the meeting.

After meeting in closed session, the Governing Body returned to their seats at 8:26 p.m. and Mayor Crowley declared the meeting to be reconvened into open public session.

Mr. Limon made a motion we start looking into contracts with the public works employees.

Mr. Ursin stated the motion should be to begin the process for setting up negotiations with DPW employees.

Mr. Limon stated yes, he makes that motion. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Snyder, Fanale

Nays: None Absent: Zschack Abstentions: Babcock

**MISCELLANEOUS COMMENTS**

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:27 p.m., seconded by Mr. Babcock. All were in favor.

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Paul B. Crowley, Mayor

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Robin Hough, Borough Clerk