

**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
April 28, 2015**

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. Dabinett, Mr. Giordano, Mr. Limon, Mr. Martinez, Mr. Snyder, and Mayor Crowley.

Absent: None

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."

PRESENTATIONS

Thomas Knutelsky, Borough Engineer, stepped forward to update the Council and public on the Franklin Pond area.

Mr. Knutelsky commented at our last meeting before the Council, we presented a plan that showed a number of paths down at the park. There was a pond loop, field loop and a park loop. At the direction of the Council at that time we elected to remove the park loop to reduce the cost of the project. Leaving the pond loop which is the most attractive loop around the park.

Mr. Knutelsky commented on the field loop; which is really a way to provide access to all the fields around the park, tying in the existing parking lot with some of those fields as well. We had an idea of having a boardwalk along the existing beach portion of the property. It sounded great, looked great on paper but when we got to the cost the cost was too prohibited, just for material you are looking at about \$30,000 for 200 foot length of path. We elected to remove that from the overall scheme of paths so we would not have that cost.

Mr. Knutelsky commented it amounted to 1,000 feet of paved paths, 950 feet plus or minus gravel paths and then the field loop roughly 1,000 feet of paved paths and 500 feet of gravel paths in order to provide access around the park. We feel that in order to really provide a good paved access way near those existing roadways the paths will be paved. Some of the more environmentally sensitive areas around the pond, we are electing at this point to use gravel paths. Mr. Knutelsky explained what a gravel paths and paved path material consisted of and maintenance.

Mr. Knutelsky commented it is close to \$28,000 to \$30,000 for the pond loop and about \$20,000 for the field loop in terms of construction cost at this time. Mr. Knutelsky commented an approximate budget at this time would be high fifty's into the sixty thousand dollar range to get both of those paths done. There was some discussion that we would actually phase this; that is why we had the different loops originally. The path is estimated at 6 foot wide, the wider the path the better it is for two way traffic. This is all theoretical planning, with the Council's guidance we recommend to get an actual survey of each of those loops. Some of the areas are very steep and those are the area we would like to identify we don't want those really steep areas to be graveled because you would have a majority of washout.

Mr. Knutelsky commented in terms of construction; a path construction group would probably be the best to do this work, as far as the bid process we are over the bid threshold so we would need to go out to bid anyway but for the DPW to go out and do this it would take a lot of manpower.

Mayor Crowley asked what would be the next step the survey.

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Mr. Knutelsky commented the next step right now will be the survey to establish the line and grade of the paths to know how much to cut, fill, loop to where pavement should apply and some of the areas that he thinks are gravel now and maybe some of the paved areas can turn to gravel and stay within our budget. Right now the survey is the biggest issue for the next step. Mr. Knutelsky suggested the area along Franklin Ave there are two sets of guide rails along Franklin Ave, he recommends if the Council wishes that he talks to the County engineer and try to discuss how to better present those two guide rails. Right now you have a five foot wide area of that gravel path between the front of the guide rail along the pond in the back of the guide rail along Franklin Ave. The guide rail along Franklin Ave has metal posts, that is how you construct a guide rail. The way they cut off the steal can be sharp and not the best for a walking path, we recommend as part of the Franklin Ave portion of the path and with some County assistance we put in a new guide rail along that section of the road and widen the shoulder of Franklin Ave to accommodate even an 8 foot wide shoulder so you have a dedicated walking area along the edge of the lane. There are two polls there that would require relocation. The survey would take approximately one and a half days to do, present plans to actually mark on for development. Mr. Knutelsky commented he can come back with official plans probably not at the next Council meeting but the one after that.

Mayor Crowley asked about the cost of the survey.

Mr. Knutelsky commented the survey would be about \$1,500 at a day and a half.

There was a discussion regarding the paths, what areas would be stone and what areas are going to be black top, C-1 water way, storm water management, DEP regulations, utilities, maintenance, flood plain and impervious coverage.

Mayor Crowley asked Mr. Knutelsky what was going on with the demolition of the two houses.

Mr. Knutelsky commented the demolition permit, the contractor that is going to be doing the work has the permit information in hand, right now we are in the process of having the utilities taken down from the building. We are not the owners of the property, the owners and all the utilities are under a different ownership. Mr. Knutelsky commented he called as the Municipal Engineer to have JCP & L remove the utilities, the telephone and cable from the particular properties. Sewer and Water we know there is no connections and they want to know about gas.

Mr. Knutelsky commented once the utilities are off the building they will issue a letter to the Borough saying the building now has no utilities. That information will be given to Joe Butto at the building department so he can issue the demo permit.

There was a discussion on the building demolition.

Mayor Crowley asked Mr. Knutelsky about the paving schedule.

Mr. Knutelsky explained the number of roads the Borough will be paving this year, High Street, construction during July and August, Corkhill Road, Wildcat Road from Church down to Maple and from Maple out to the town line except for the area of the S curve. Mr. Knutelsky explained the S curve. Maple out to Davis, Davis out to the town line.

There was a discussion on the paving of the roads, traffic control, S curve portion of Wildcat Road, C-1 Water Course and extension of covert on the S Curve, DEP permit, small bridge on Maple Road, cracks in Corkhill Road and new drive by Braen Aggregates.

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COMMITTEE REPORTS

Mr. Limon reported personnel review the ad for hiring DPW employee.

Mr. Giordano reported recreation has been working on the Carnival for Franklin Night, the items are on the agenda.

Mr. Snyder reported the budget is on tonight for approval.

Mr. Babcock had nothing to report.

Mr. Martinez had nothing to report.

Mr. Dabinett had nothing to report. Mr. Dabinett asked Mr. Limon if the hiring of the employees would be in a form of a motion.

Mr. Limon commented we reviewed it.

Mr. Dabinett commented it is the Council's responsibility as per State Statue it is up to us to vote on it and advise the Administrator as to how they want to proceed.

Mr. Ursin asked this isn't about hiring, it is about placing an ad. Mr. Ursin commented the administrator can place an ad, the Council has to approve the hiring.

Mr. Dabinett referenced State Statue and read power of the Council.

Mr. Giordano commented he doesn't recall voting on this be it was discussed at great length.

Mayor Crowley commented the hiring is done by a vote, the advertising is done by the administrator, they bring it back to the Council.

Mr. Dabinett commented he believes it is the Council's responsibility to advice the administrator what to do.

Ms. Hough had nothing to report.

Mr. Ursin reported you may hear the Borough is a defendant in a lawsuit filed by Shawn Hopkins regarding OPRA. Mr. Ursin commented he will have a more detailed update for the Council at the next meeting. Mr. Ursin commented the OPRA provided all of the material the Borough had, this lawsuit has a lot more to do with Mr. Hopkins and the vendor than it has to do with the Borough. It is a matter if some of the vendors information is preparatory and should be released. We are working on a lot of angles to try and get the Borough out from the middle of that dispute and hopefully he can update the Council at the next meeting.

Mrs. McHose, Administrator, thanked the recreation committee for all their hard work in getting the Carnival going this year. Mrs. McHose complimented recreation on the design of the poster. Mrs. McHose commented she hopes the surrounding communities support the carnival and fireworks exhibit.

Mrs. McHose commented she has been meeting with potential projects in the Borough, they are called pre planning meetings, done in advance of an application being filed. They are basically concept meetings, so far the feedback has been good.

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Mrs. McHose commented the email system in the building has been updated and thanked the Council in voting to spend that money to much needed technological improvements.

Mrs. McHose explained she had been working on contract issues for DPW and FOP, the DPW issue is almost resolved, she has been tasked with getting all the signatures and hopes to have that completed by Friday of this week.

Mrs. McHose commented as Mr. Limon mentioned she helped draft and proof the employment ads that will be posted in the newspapers, website and league of Municipalities site. The cost will be reported at the next meeting.

Mayor Crowley reported this Sunday the Sussex County Chamber of Commerce is having a County Day at the County College, from 12:00 to 4:00 and Franklin will have a table there, we need some volunteers.

Mayor Crowley commended the Girl Scouts for their town wide garage sale day. It was a great day, the weather was good and there were a lot of garage sales and activity at the Littell Center and the Fire House. It was very successful.

Mayor Crowley commented one of the items on the consent agenda is a grant from the DOT for \$140,000. The DOT gave us to help the paving of Main Street. That will be incorporated into our paving schedule, phase one on that.

Mayor Crowley reported the Fire Department is having their Fish and Chips diner on Friday night if anyone is interested to see one of the fireman for tickets.

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. Martinez. All were in favor.

Dick Durina, 23 Lozaw Road, Franklin, stepped forward. Mr. Durina commented on comments made by the Mayor at the last Council meeting. Mr. Durina read the statement from a CD of the meeting. Mr. Durina referenced a letter dated November 23, 2011 from DPW to Mr. Kilduff then the administrator and read the letter. Mr. Durina commented on the letter. Mr. Durina referenced a letter dated September 11, 2013, from Mr. Ursin's office to PERC. Mr. Durina read part of the letter and quoted from the letter. Mr. Durina commented on the cost of legal bills for DPW and the Borough.

Alfonso Caliendo, 81 Main Street, Franklin, stepped forward. Mr. Caliendo commented he isn't going to vote for any of you until he sees improvements on Main Street. Mr. Caliendo commented on garbage/trash that has been there for six months. Mr. Caliendo questioned the taxes.

Mrs. McHose asked Mr. Caliendo to stop in the office and discuss this with her tomorrow.

Sean Kid, 3 Evans Street, Franklin, stepped forward. Mr. Kid commented May 16 will mark the 6 anniversary of the Girl/Boy Scout building bridges weekend down at the Franklin Pond. All are welcome to stop and see almost 100 boy and girl scouts.

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. Dabinett. All were in favor.

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Mr. Snyder asked for a five minute recess to go over [the budget] with the CFO for a second please.

The Council took a break at 8:05 PM.
The Council reconvened at 8:17PM.

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 April 8, 2015 Yut'se O. Thomas, Director, NJ Department of Education Office of School Finance Re: 2015-2016 Municipal Percentage Shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L. 2009, c78.
2. Exhibit A: Info-Cop E-Ticket renewal Agreement between Borough of Franklin Police Department and GTBM, Inc.
3. Letter dated April 16, 2015 from Melissa Rockwell, Tax Administrator, Sussex County Board of Taxation, Resolution Dated April 15, 2015.
4. Letter dated April 23, 2015 from Donna Vreeland, to Franklin Borough Recreation Re: Resignation from the Recreation Commission.
5. Resolution 2015-63 from the Township of Green in support of Sussex County Municipal Utilities authority's opposition to a proposed amendment to the Sussex County Solid Waste Management Plan.
6. Letter dated April 10, 2015 from Jamie Fox, Commissioner NJ Department of Transportation to Mayor Crowley Re: Approval of grant for Fiscal year 2015 Main Street Phase I in the amount of \$140,000.00.
7. Letter dated April 17, 2015 from John Nugent, Superintendent Wastewater Facilities to Alison McHose, Administrator, Re: Sewage Flows.
8. Borough of Hamburg Ordinance 03-2015 an ordinance establishing Chapter 156 Entitled Maintenance of Vacant and Abandoned Residential properties during Foreclosure of the Code of the Borough of Hamburg, County of Sussex, State of New Jersey to provide for the maintenance of vacant and abandoned residential properties during foreclosure pursuant to the authority of P.L. 2014 Chapter 35.
9. Resolution 2015-11 from the Borough of Hamburg regarding the restoration of funding to State Parks Programs which will suffer cuts due to diversion of corporation business tax funds due to public approval of New Jersey Ballot Question 2.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Health Department report for March, 2015.
2. Municipal Court Report for March, 2015.
3. Franklin Police Department report for March, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 28, 2015.

Mr. Limon made a motion to approve the consent agenda of April 28, 2015, with item #5 removed. Seconded by Mr. Babcock.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

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Nays: None Absent: None Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Giordano made a motion to approve the regular meeting minutes for April 14, 2015. (Absent: None) Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Contract for Fireworks Display

Mr. Giordano made a motion to approve the contract/letter dated April 28, 2015 between the Borough of Franklin and Garden State Fireworks Inc. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-43 Purchase of Fireworks

Mr. Giordano made a motion to adopt resolution 2015-43 authorizing the purchase of fireworks from Garden State Fireworks Inc. in the amount of \$5,000 for the fireworks display on July 2, 2015, rain date July 5, 2015. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Carnival Vendor

Mr. Giordano made a motion to approve the contract for a Carnival Vendor. Seconded by Mr. Martinez.

Mayor Crowley commented the Council got that contract the last meeting, the vendor has to show us proof of insurance deemed appropriate to the Administrator.

Mr. Ursin commented we took the contract that you had last time, ran it by Risk Management the Insurance Company, we elaborated on the contract a bit not changing any of the substantial portions but making it more complete. That will be done probably tomorrow and then it will be off to the vendor.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 5-2015

Mr. Giordano made a motion to adopt ordinance 5-2015 "AMENDING CHAPTER 205 ENTITLED "PROPERTY MAINTENANCE" TO REQUIRE CREDITORS TO CARE FOR AND MAINTAIN THE EXTERIOR OR VACANT AND ABANDONED PROPERTIES UNDER FORCLUSURE. Seconded by Mr. Limon.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 5-2015.

No one from the public stepped forward.

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Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 6-2015

Mr. Giordano made a motion to adopt ordinance 6-2015 "AN ORDINANCE UPDATING CHAPTER 119 REGARDING TOWING FEES IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY" Seconded by Mr. Limon.

Mayor Crowley commented this ordinance has been brought up a couple of times before it got to the ordinance level, about 8 months ago the prior Council tabled and set aside. It was brought back, this ordinance would increase the fees to the general public for towing fees. This ordinance would be good for the towers and bad for the consumers which is most of the population of Franklin. Mayor Crowley commented at one time Mr. Giordano had spoken against this because of the towing fees. His personal opinion is that this should not be passed and left the way it is but this is a Council decision.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 6-2015.

No one from the public stepped forward.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-35

Mr. Giordano made a motion to adopt resolution 2015-35 authorizing the Borough Clerk to renew liquor license for Sullivan's Gas Light Inn #1906-33-004-006 for the 2014-2015 licensing term. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolutions for Homeowners to be granted the 2012 Homestead rebates

Mr. Giordano made a motion to adopt the following resolutions authorizing the tax collector to refund the 2012 Homestead Benefit to the property owners. Seconded by Mr. Martinez.

Resolution 2015-36, Block 607 Lot 41, 36 Nestor Street, George and Brenda Gunderman in the amount of \$359.50.

Resolution 2015-37, Block 907 Lot 11, 9 Rowe Place, Donald & Nanette Devore in the amount of \$511.83

Resolution 2015-38, Block 2201 Lot 61, 36 Woodland Road, Susan Fillgrove widow of Karl Fillgrove in the amount of \$648.37

Resolution 2015-39, Block 1004 Lot 31, 73 High Street, Leonard and Kathleen Weakland in the amount of \$470.75.

Resolution 2015-40, Block 2301 Lot 11, 25 Woodland Road, Ralph B. Storer in the amount or \$532.51.

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Resolution 2015-42, Block 609 Lot 5, 10 Sterling Street, Arnold Hokins in the amount of \$374.39.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Resolution 2015-41 Tax Refund

Mr. Giordano made a motion to adopt resolution 2015-41 authorizing the tax collector to refund the tax overpayment to Corelogic for Block 1101 Lot 125 known as 45 Constitution Way owned by Carolyn and Mary Kittler in the amount of \$967.72. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Public Hearing on the 2015 CY Municipal Budget

Mayor Crowley opened the meeting to the public for anyone wishing to comment on the 2015 CY Municipal Budget.

Monica Miebach, CFO was present for the public hearing.

Mayor Crowley asked if anyone from the Council had any remarks before we opened to the public.

Mr. Babcock thanked the committee for doing a great job on the budget.

Mr. Snyder commented even though this budget increased to \$52.00 he feels this is a fair budget with what we had to pay out. Mr. Snyder thanked the CFO, Councilman Dabinett and Alison McHose, Administrator.

Mayor Crowley open the CY 2015 Municipal Budget to the Public.

No one from the public stepped forward.

Mayor Crowley commented no one from the meeting coming forward, he closes the meeting to the public.

Resolution 2015-44 to Adopt the CY 2015 Municipal Budget

Mr. Giordano made a motion to adopt the 2015 budget Resolution 2015-44. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

Thomas Ferry, Auditor was present for the vote of the municipal budget.

Resolution 2015-45 Collection of Court Fees

Mr. Giordano made a motion to adopt resolution 2015-45 authorizing a one year contract with Williams Alexander & Associates pending approval of the Administrative Director of the Courts. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

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Mayor Crowley referred to item number 5 that was pulled from the consent agenda.

There was a brief discussion on item number 5, a resolution from Green Township.

Mr. Babcock made a motion to accept item number 5 from the consent agenda as correspondence. Seconded by Mr. Giordano.

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock, Dabinett

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Dabinett commented as member of the finance committee prior to each Council meeting he signs vouchers for payment to our vendors. Each voucher is accompanied by an itemized bill except for the vouchers from our Borough Attorney. Each month per contract we pay the Borough Attorney the sum of \$5,291.56 and we have no idea what we are getting in return. As a Councilman and taxpayer he would like to know. Therefore to bring honest and opened Government to our citizens he offers the following motion.

Mr. Dabinett made a motion beginning May 1, 2015 no payment shall be made to the Borough Attorney or anyone else on retainer without prior receipt an itemized bill. Seconded by Mr. Giordano.

Mayor Crowley commented our Attorney has been paid a retainer for years, the retainer includes phone calls, correspondence, things like that. He doesn't have any problem with this just being a retainer. If the Lawyer has to itemize his bill then it defeats the purpose of having the retainer and we would probably have to think of another way of making payments which would probably be more expensive than an itemized bill.

Mr. Ursin commented he offered to meet with Mr. Dabinett and talk with him about it, he talked to the administrator about it, this arrangement has been in place for seven and one half years. If you track back historically the Borough is paying less in attorney's fees now by a significant percentage then you were eight, nine or ten years ago. Mr. Ursin commented he thinks it is cost effective if you look at it in an historical prospective. Mr. Ursin commented he is open to negotiating other arrangements, he can tell you categorically the itemized approach would have been much more expensive to the Borough in some month double this year. Mr. Ursin commented he is open to discuss this further.

Mrs. McHose asked if OPRA was included or is that a separate item.

Mr. Ursin commented it is included.

Mrs. McHose commented in the four months she has been hear so much time is spent on OPRA with regards to the attorney. OPRA requests and as a Legislature she fully supports transparency in government however, there are sometimes unintended consequences with legislation and this is one example. OPRA has become very abused in her opinion, we have commercial entities requesting information or mining information they call it. It takes time for fishing and it takes time away from the staff. Then we have to verify at times because the OPRA requests are complex we have to have them reviewed by the attorney.

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Mr. Ursin commented OPRA alone would have exceeded your retainer two out of the last three months. Mr. Ursin commented he is open to talk about this.

Mr. Dabinett commented you have a contract with the Borough.

Mr. Ursin commented you are talking about renegotiating the contract.

Mr. Dabinett commented no.

Mr. Ursin commented you are.

Mr. Dabinett commented he wants an accounting of what we are paying. Mr. Dabinett commented he wants to make one thing clear, I'm not picking on you.

Mr. Ursin commented I would say you are, because you asked me if we can talk about it, you didn't meet with me and you chose to bring it up in a public meeting without giving me any opportunity to provide you the back ground. Mr. Ursin commented he is offering to meet with you and the administrator, we can talk through what is most cost effective for the Borough, he thinks you will see historically this has been.

Mr. Dabinett commented all he wants to see is what we are getting for our dollar, that is what he is looking to get.

Mayor Crowley commented if you go back 8 years ago to the last time we had another firm as our legal counsel, if we had taken their fee 8 years ago and have the same fee not even an increase for the last seven and one half years Mr. Ursin's firm has saved us between \$80,000 and \$100,000.

Mr. Dabinett commented wouldn't it be nice if we can see that.

Mayor Crowley commented you can see that because that is what it is.

Mr. Dabinett commented he is only one Councilman, he is asking, we are paying this money and would like to see [what we are getting].

Mr. Snyder commented he believes they should speak to Mr. Ursin in regards to it, he believes what you are saying about previously regards to the amount paid was different responsibilities of our now Council and the Council we had before that made it higher. Mr. Snyder commented he is not going into specifics now because he doesn't have them in front of him but there are specifics of why it was higher then, what you are saying right now with Mr. Ursin. Mr. Snyder commented we have done this in the last seven years with Mr. Ursin, it has only been brought up with regards to seeing what was actually paid to him by Mr. Dabinett, but not knowing what Mr. Ursin just said to Mr. Dabinett with regards to speaking to him before coming to public he would like to have seen that had been done first before this took place. Mr. Snyder commented it is up for discussion.

Mayor Crowley commented the previous legal firms also were paid by retainer.

Mr. Giordano commented the previous legal firm we had was responsible at the time for more than just the Borough Council, if you looked at the payments going to that firm you would have seen a gross amount to the firm. It would have included money paid to the firm in escrow for Planning or Zoning Board activities. It is not really a fair comparison because we do have a large specter of the money that has been spent in law suits which are really numbers he hasn't been told and he had asked for

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them many times. Mr. Giordano commented he doesn't have a problem with, what he [Mr. Dabinett] is asking; not to renegotiate your contract, he just wants to have when you do your report to say we spent some time doing this and some doing that. Mr. Giordano commented he doesn't need a break down of every minute because that obviously is going to cost money and that would be a bit more than he would want, Mr. Dabinett might want something different. Accountability is accountability, when we discussed at the beginning of the year what we were going to do with the attorney we did not approve the Mayor's nomination of the Attorney. What it boiled down to was we had a lot of money differences if you work on retainer there are things you bill outside of the retainer. Basically, the discussion had to do with if you spend X amount of hours over your retainer you would bill us or if you didn't spend any hours up to the retainer you would still bill us. It wasn't a matter if you didn't work up to those hours would we have a lower retainer, we would have a higher retainer if you went over them.

Mayor Crowley commented that is not true, if he goes with the subjects covered by the retainer such as OPRA and goes above what he considers the retainer than he loses that. If he goes outside and there are categories that are outside then that is billed separately. With the retainer anything that goes above it he [Mr. Ursin] does not bill for.

Mr. Giordano commented he is not asking for a minute by minute synopsis that is not what he is asking for.

Mr. Dabinett commented he is simply asking for an accounting if you spend 10 hours on OPRA, five hours here and ten hours there he just wants to see something so when our taxpayers come to us and ask why are we paying this money each month we can tell them. There is not one person at this Council table right now that can tell us what we are getting for our money.

Mr. Babcock commented he gets what your are saying, but he wishes you would have spoken to him [Mr. Ursin] first. Mr. Babcock commented his [impression] of Mr. Ursin, he is open and honest in any other subject that has came up he gave me information, he didn't have to. Mr. Babcock commented he think Mr. Ursin goes above and beyond sometimes.

Mr. Dabinett commented in a conversation he had with Mr. Ursin he informed him, if he had done this our bill for last month would have been \$12,000.

Mr. Giordano commented would this be agreeable to you to set aside this discussion and we will meet with Mr. Ursin in the next few days and go over what [the] expectations are.

Mr. Dabinett commented he would expect him to live up to his contract, he has a contract for \$63,500, he expects him to live up to the contract.

Mr. Limon commented he honestly thinks he [Mr. Ursin] is, you are asking for an itemized bill for the retainer fee, then he will, there is no in-between.

Mr. Dabinett commented to see how many hours he is spending on Borough business; that shouldn't be a big deal.

Mr. Limon commented he could report in his report but for him to sit down and make an itemized bill to his retainer, we have been paying that for years.

Mr. Dabinett commented he has been here for four months, he is asking a question.

**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
April 28, 2015**

Mayor Crowley commented we have a motion and a second, asked if there was any further discussion.

Upon roll call vote:

Ayes: Giordano, Dabinett

Nays: Limon, Martinez, Snyder, Babcock Absent: None Abstentions: None

Mr. Snyder gave some numbers out to the public for the overall budget.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:45p.m., seconded by Mr. Babcock. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk