

**MINUTES OF THE SPECIAL MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
November 4, 2017**

Mayor Giordano 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. Dabinett, Ms. Fantasia, Mr. Limon, Mr. Rathbun, Mr. Skellenger, Mr. Snyder, and Mayor Giordano.

Absent: None

Mayor Giordano led the assembly in the flag salute.

Mayor Giordano stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald and posted on the Borough website, which adequate notice has been certified by the Clerk."

OPEN PUBLIC SESSION

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

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka commented she offers her congratulations again to Robin, she will miss her. Mrs. Tatka asked if the Borough clerk position would be converted to an Administrator/Clerk position. Mayor Giordano commented we haven't made any decision on that and will not discuss personnel matters.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented Robin has been a valuable employee, she remembers when Robin started as Planning and Zoning [secretary]. She did everything on her own, she worked hard, she studied she did everything she helps out, never says no, we are having a rabies clinic this afternoon she helps out with that gets the ad in the paper. There are aspects of the job she does that nobody sees, with that being said, we have lost three key employees in the last year, all certified people, certified people are difficult to find. The Borough paid for these people to go to school for them to get their certifications and for some reason they are moving on. Whether it be salary or position. You have one unit that is not unionized you take away a holiday and you let all the other departments have the holiday is that fair, how did they feel and you guys are all employees, think about the way you would want your employer to treat you. With that being said she wishes you [Robin] good luck, it will be big shoes to fill, we need tax collector, clerk, deputy court administrator and Planning and Zoning [secretary].

Mrs. Heath commented you need a clerk and a deputy clerk and an administrator.

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

Resignation of Municipal Clerk

Mr. Limon made a motion to accept the resignation of Borough Clerk Robin Hough effective November 10, 2017, with regrets and deep appreciation for her service. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

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Appointment of Deputy Clerk

Mr. Limon made a motion to approve Council consent to the Mayor's appointment of Darlene Tremont as Franklin Borough Deputy Clerk. Seconded by Mr. Rathbun.

Mayor Giordano explained.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Discussion of ad for acting clerk/municipal clerk

Mayor Giordano commented we have 90 days by law to fill this position, to be fair and honest he thinks we need to place an ad and see what resumes we get, if there are people in Borough hall who want to apply they can apply and he would encourage them to apply. Mayor Giordano commented he would like to advertise the position to see what kind of pool we get in so that we can have an adequate number of candidates to make a decision as to who we want to appoint as the clerk.

Mr. Limon wanted to make a motion that we look into hiring Rachel Heath as a helper for the deputy clerk at \$20.00 per hour in the meantime.

Mayor Giordano commented the personnel committee is recommending we hire Rachel Heath.

Mr. Limon commented he wasn't at the personnel committee but he supports this.

Mayor Giordano commented this make sense, Darlene does not have a license, she may not know all the ins and outs but having the ability to bring Rachel in is fantastic.

Ms. Fantasia commented this was an item discussed at the personnel meeting.

Mr. Dabinett asked what are we hiring Rachel as?

Mrs. McHose commented Mrs. Heath is already on the payroll as our Board of Health Secretary, so according to the labor attorney and the personnel committee she would be hired as a temporary office assistant. Her license for clerk has expired but she has the knowledge of the position.

Mr. Dabinett commented he thinks it is a wonderful choice, he questions how many hours a week are we talking about.

Mrs. McHose commented she discussed with Mrs. Heath coming in from 10:00 until 2:00 because we are not sure what the volume will be so we will start with 10:00 to 2:00.

Mr. Dabinett commented so four hours a day, five days a week.

Mayor Giordano commented why don't we approve up to 29 hours. Mrs. McHose commented that would be good.

Mayor Giordano asked Mr. Limon to make that motion.

Mr. Limon commented yes, I make that motion.

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Mayor Giordano asked what was the pay personnel discussed on that. Mr. Limon commented \$20.00 an hour is what he was advised.

Motion was seconded by Mr. Dabinett.

Mr. Prol addressed Mrs. Heath in the public. Mr. Prol commented he knows we didn't give you a rice notice but he wants to make sure you are ok with that and you wave that notice.

Mrs. Heath commented that is why she is here.

Mrs. McHose commented she thinks we inadvertently forgot that she is on the payroll as the Board of Health Secretary, we were presuming she was not an employee.

Mr. Prol commented there is some case law that even someone who is a presumptive employee would be entitled to a notice. Mr. Prol commented he wants to make sure you [Mrs. Heath] are ok and you are here and you would waive it.

Mrs. Heath commented yes.

Mayor Giordano commented we have a motion and a second then asked for a roll call vote.

Upon roll call vote on hiring Rachel Heath as a temporary office assistant at \$20.00 per hour up to 29 hours per week:

Ayes: Dabinett, Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Mayor Giordano spoke about the clerk's position and the amount of OPRA requests coming in. He believes we have an opportunity with some of the open positions we have land use secretary and secretary to recreation to potentially use that person as the possibility of an OPRA clerk. This would relieve a lot of pressure on the clerk. Mayor Giordano asked the Council to consider an OPRA clerk.

Ms. Hough asked Mr. Prol how would that work because the Municipal Clerk is the [custodian] of OPRA. Mr. Prol commented under the open public record act the Municipal Clerk is the custodian of records however so long as the she is overseeing that process they can have a number of helpers. Mr. Prol commented what he would ask if you have someone reviewing stuff, he will send Mike Darbee, Esq. from his office to sit down with them and we will bill it to the general retainer so there won't be an additional charge for that. But he wants to make sure whoever is looking at records prior to the custodian of records giving their final stamp of approval.

There was a discussion on OPRA.

Mayor Giordano commented we need to set the salary for the deputy clerk position, and asked do you want to talk about this in executive session.

Ms. Fantasia commented so the choices are to delay and have executive session at the next meeting or can we go into a ten minute [executive session]. Mayor Giordano commented we can do executive session now. Ms. Fantasia commented yes.

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Mayor Giordano commented he would like to advertise for the clerk's position on the Leagues website, he would like to make a subcommittee, this is a mayoral appointment but he doesn't feel it is right for me to be the person making the decision so he would ask that Councilman Snyder, Councilwoman Fantasia, Mrs. McHose and himself will be responsible for looking at the resumes and hopefully present a candidate and we will do the interviews.

Mrs. McHose asked can she be allowed to re-advertise the deputy court administrator and explained. Mayor Giordano commented he agrees with you and we have to fill that position.

Mr. Prol commented he just realizes that OPRA requires the Governing Body to designate a record custodian by formal action under statue so with Robin gone we won't have a formal custodian so he thinks we would need a motion to appoint Darlene Tremont as records custodian under OPRA to handle that.

Mayor Giordano commented we need a motion on that.

Mr. Dabinett made the motion on that [to appoint Darlene Tremont record custodian].
Seconded by Skellenger.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

There was a discussion on the registrar position and interviewing for the clerk's position.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Skellenger made a motion to adjourn into closed executive session to discuss salary for the deputy clerk position Motion seconded by Mr. Rathbun. All were in favor.

Note: Darlene Tremont was rice noticed.

After meeting in closed session, the Governing Body returned to their seats at 9:51a.m. and Mayor Giordano declared the meeting to be reconvened into open public session.

Mr. Dabinett made a motion to return from executive session. Seconded by Mr. Skellenger. All were in favor.

Mayor Giordano commented in executive session the Council talked about the salary and he wants the public to know this is a change in position for Mrs. Tremont she will no longer be the confidential secretary she is now going to be the deputy clerk, it involves a different job and it entails a different pay.

Ms. Fantasia made a motion to set the pay for the role of deputy clerk and she will be appointed registrar and also, she is the recycling coordinator and for the time being confidential secretary until we work out those particulars at a salary of \$24.00 per hour. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Dabinett, Fantasia, Limon, Rathbun, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

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

Joanne Tatka, 151 Maple Road, Franklin, stepped forward. Mrs. Tatka asked what does she make now and how much per hour. Mayor Giordano commented \$18.90. Mrs. Tatka commented she thought you already eliminated that confidential secretary with that ordinance. Mayor Giordano explained.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commented she hopes you looked around at other positions and other dollars when you made this decision within the Borough family. Because there were raises given not long ago for adding on a couple little things so I hope you did justice to this position.

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

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 9:55a.m., seconded by Mr. Skellenger. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk