

**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 14, 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."

Mayor Crowley commented Mr. Knutelsky will be coming; we will go on with committee reports until he gets here.

COMMITTEE REPORTS

Mr. Limon reported we are in the midst of FOP negotiations, we had our third meeting. The meeting went well.

Mr. Giordano reported recreation had a successful Spring Fling this past weekend. Congratulations to Irene Sally, the new senior of the year. Recreation is working on the carnival for this year. We will be hearing from the Chairman of Recreation during old business.

Mr. Snyder had nothing to report.

Mr. Babcock had nothing to report.

Mr. Martinez commented he is waiting for Tom Knutelsky [presentation].

Mr. Dabinett reported we are introducing an amendment tonight to our property maintenance ordinance. This was requested by Mr. Drossel. It pertains to out of state lenders and mortgage companies owning property in Franklin Borough, and being responsible for the maintenance and upkeep. Mr. Dabinett send information to the Administrator for the Attorney, who then drafted the ordinance. This ordinance was already drafted last year and nothing had been done on it, so we are going to introduce it tonight.

Ms. Hough reported the petitions for the primary election were submitted to the Municipal Clerk by March 30, April 10 at 3:00PM we had a ballot draw for position of the candidates. The Primary election is June 2, if anyone needs information or form to register to stop in the clerk's office.

Ms. Hough reported 151 letters were sent out on April 1, to all dog owners who have not yet renewed their license as a result of that letter 31 people came in for dog licenses.

Ms. Hough reported the registrar's office submitted their quarterly report; 200 certified copies of death, birth and marriage certificates the first quarter.

Mr. Ursin, Esq. commented items he had were covered by other people.

Mrs. McHose, Administrator reported the majority of her time these past couple of weeks was dealing with the garbage contract; which we completed. An ad ran last week, now there are approximately 60 days left for companies to reply to that bid. We hope to have the new contract in place for July 1.

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Mrs. McHose reported she met with a collection agency that is approved by the administrative office of the courts to help resolve current over one year old and older debt from the court, hopefully we can have this on the April 28 agenda.

Mrs. McHose reported we submitted secondary information to the Department of Community Affairs for Planning Assistant services and we were approved. The Borough is looking forward to meeting with DCA and talking primarily about Main Street. Over the years the Borough has done several studies; we hope this time we can utilize the services for free from the Department of Community Affairs to get some movement.

Mrs. McHose commented as Robin mentioned the election ballot drawing was held on April 10 and as Councilman Limon mentioned the FOP negotiations are ongoing and we will hopefully have this finalized within the next few weeks.

Mrs. McHose commented she is happy to see the snow has melted and would like to applaud the DPW employees for their hard work to remove gravel, leaves and debris from the drains and roadways throughout the Borough.

Mrs. McHose reported she is continuing doing work on the preparations for May 3, which will be Sussex County Day over at the Community College. They have changed what used to be called Family Day to Sussex County Day; the focus on municipalities and business throughout the County. We will have a group there representing Franklin Borough.

Mrs. McHose commented she will also be attending a Disney Institute Program by the Sussex County Chamber at Crystal Springs on Friday. The Memorial Day Parade will be held on May 25, the lineup is at 10:00AM at the American Legion kickoff is at 10:30. Mrs. McHose thanked the DPW staff in advance for their work to plant flowers and prepare the memorial across the street from Borough Hall.

Mayor Crowley referred to the Consent agenda under correspondence item number 1; resignation from Fred Babcock [Senior], it was mentioned before but the letter is there. There is also a letter number 4 from the Directory of Department of Community Affairs Local Planning Services accepting our application. This will save the Borough some money for planning and hopefully get some results.

Mayor Crowley commented the Fire Department Fish and Chip Diner is May 1, 2015, it is a good event, see a fireman for tickets.

Mayor Crowley commented STS Auto has opened up and is doing business. Also, Roy Rogers is going forward where the old Arby's was, hopefully they will be open soon.

Mayor Crowley commented Tom Knutelsky will be here in a few minutes; we will get his report when he gets here.

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 Lozar Road, Franklin, stepped forward. Mr. Durina asked what is the status of the DPW employee negotiations.

Mayor Crowley commented we did not get a response from their lawyer.

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Mr. Durina asked if you offered them a contract.

Mayor Crowley commented we were negotiating with them, it was looking favorable going back and forth and we have not gotten a response.

Mr. Durina referred to an article from the New Jersey Herald March 31, 2015, the best places to call home. Mr. Durina commented on the article and read a quote from the article. Mr. Durina commented on two children that had to climb over a snow bank and walk on Route 23 in front of the Walgreens construction site to go to school. Mr. Durina questioned when would the sidewalks be installed in front of Walgreens.

Mrs. McHose commented she knows you were in Borough Hall and visited with us; as discussed with Darlene Tremont, who used to be the head crossing guard. Those children are suppose to go down to Taylor Road, to Buckwheat to the sidewalks. Mrs. McHose would like to continue to contact the attorney for the project to see when the sidewalks [would be] in, she does not have an answer yet.

Mr. Durina read note 31 on the Walgreens site plan approval and the approved developers agreement.

Mayor Crowley commented we received a text message from Tom Knutelsky, he will not be able to make it, he got held up at another meeting. This will be put off to the next meeting.

Joann Tatka, 151 Maple Road, stepped forward. Mrs. Tatka congratulated the Recreation Commission on the Spring Fling, the food was great, the 50's music was very entertaining and the table decor was excellent. There was talk of the carnival and she urged return of the carnival.

Mrs. Tatka asked what the total was of the budget. Mrs. Tatka asked the status of the electric coop. Mrs. Tatka asked what the Council opinion was on the Solar issue, town ratable and announced to the public the Girl Scout garage sale is on Saturday, April 25.

Mrs. McHose thanked Mrs. Tatka for all her years and involvement with the Girl Scout garage sale. This has become a tradition and people look forward to this.

Rachel Heath, 7 Hemlock Drive, Franklin, stepped forward. Mrs. Heath commended Recreation and Council for a wonderful Spring Fling. Mrs. Heath asked in the absence on the Community Development Office, who is reviewing all the plans. Who is doing all the reviews of the applications to check off if they are complete.

Mrs. McHose commented she is working in conjunction with the professionals for the Zoning and Planning Board as well as the secretary for both of those Boards to review the applications and move them forward.

Mrs. Heath questioned if this will be costing the Borough more.

Mrs. McHose commented no, it is one stop shopping with me first and she doesn't try to incur costs with the professionals unless she needs to ask questions.

Mrs. Heath asked years ago we used have a continuation occupancy when someone was moving in whether you sold your house or moving into an apartment you would pay a fee and the premises would be inspected. This was dropped with the interlocal with Hardyston and asked for the Council to consider reinstating the reinspection.

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Nancy Harris, 66 High Street, Franklin, stepped forward. Ms. Harris thanked the Council on passing the resolution supporting Sarcoidosis awareness month. Ms. Harris explained Sarcoidosis to the Council.

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. Martinez. All were in favor.

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 March 23, 2015 from Frederick L. Babcock to Mayor Crowley and Council Re: Retirement.
2. Letter dated March 26, 2015 from John H. Eskilson, County Administrator to Governor Christie Re: Resolution supporting steps by New Jersey Officials to protect and support Federal Military Bases located in the State of New Jersey.
3. Email dated April 6, 2015 from John M. Mitch, MCANJ President, to Mayor and Governing Body Re: Municipal Clerk's week (May 3 - 9, 2015).
4. Letter dated April 7, 2015 from Sean Thompson, Director of NJ Department of Community Affairs Local Planning Services to Mayor Crowley, Re: Municipal Eligibility Determination.
5. Memo dated April 1, 2015 from Robin Hough, Municipal Clerk to Board of Health Re: Registrar quarterly report.
6. Final Equalization Table for the County of Sussex for the year 2015.
7. Resolution 2015-104 from the Borough of Hopatcong regarding the Solar Project.
8. Resolution 2015-103 from the Borough of Hopatcong in support of Sussex County Municipal Utilities Authority's Opposition to a proposed amendment to the Sussex County Solid Waste Management Plan.
9. Resolution R2015-45 from the Township of Vernon Requesting that the Sussex County Division of Engineering investigate, study and evaluate improvements to Newton-Sparta Road in the Andover Township Corridor.
10. Resolution for the Borough of Stanhope regarding the restoration of funding to the 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.
11. Resolution from the Borough of Stanhope opposing the settlement agreements regarding the solar project for Sussex-Morris-Somerset Counties and calling for a full investigation of this project and the settlement.
12. Resolution from the Borough of Stanhope in support of Sussex County Municipal Utilities Authority's opposition to a proposed amendment to the Sussex County Solid Waste Management Plan.
13. Resolution R2015-59 from the Township of Andover, in support of Sussex County Municipal Utilities Authority's opposition to a proposed amendment to the Sussex County Solid Waste Management Plan.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Department report for March, 2015.
2. Health Department report for February, 2015
3. Registrar quarterly report for January - March, 2015.
4. Zoning Officer report for March, 2015.
5. Construction report for March, 2015.
6. COH report for March, 2015.
7. Construction permit activity report for March, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

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1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 14, 2015.

Mr. Limon made a motion to approve the consent agenda of April 14, 2014.
Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mike Rathbun, Chairman of Recreation, stepped forward to update the Council on the Carnival. Mr. Rathbun explained the cost that was spent on last year's Franklin Night. This year we are looking to do the carnival, it would be July 2, 3 and 4th, the fireworks would be the first night Thursday, July 2. The carnival would be open from 6:00PM to 10:00PM this would be 12 hours and an extra hour would be needed for the police on the night of the fireworks. We would be needing security for a total of 13 hours, we have had multiple meetings with the Chief of Police, some Council members and Mrs. McHose. We would need two Fire Police and two uniformed Officers. The Fire Police will charge \$15.00 per hour and the FOP and Police are only charging us \$50.00 per hour. For clean up purposes we are looking to utilize the SLAP program. We have to write a letter to the Sussex County Sheriff's Office but we need to make sure it is approved before we do that.

Mr. Snyder commented to get that out [the letter] as soon as possible; their schedule is getting booked.

Mr. Rathbun commented he would like to get this approved as soon as possible so we can move forward.

Mr. Snyder recommended to get the letter out and if it doesn't move forward it doesn't work out but get the letter out.

Mr. Rathbun referred to the gaming trailers. When it comes to the gaming trailers they would like for us to have 9 gaming trailers. As a Recreation we can't partake in any of this, so he is looking out to the local community, anyone who has a gaming license could partake in the gaming trailers.

Mr. Rathbun commented we are looking to have somewhere between 10 to 12 rides. They do offer ride bracelets, 50 packs and sell tickets individually. Not sure how this will work yet. The rides will be run by generators, the only thing they will need from the Borough is one 110 volt outlet and some water. The expenditures for this would be the \$2,990 for the security, advertising, fireworks which he has a contract for also.

Mayor Crowley commented he is concerned about the cost to the town, set up and the take down that DPW will have to do, the charge to have all those lights on the field for three days is also an added expense. The Borough really isn't in the position to financially subsidize recreation for this.

Mr. Rathbun commented we also thought of the lights but being that it is the beginning of July it normally doesn't get dark until 8:30 to 9:00, if turned on it will only be for an hour or two.

There was a discussion regarding the carnival.

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Mr. Rathbun passed out a contract.

Mayor Crowley asked if the attorney has reviewed these contracts.

Mr. Rathbun commented no.

Mrs. McHose commented because of the late nature of these contracts coming in she was hoping to get this on for agenda on the 28th. That would be the quickest unless we call an emergency meeting. We will have Mr. Ursin look at the contract.

Mr. Giordano commented we could approve them pending attorney review.

Mr. Ursin stated the fireworks is easy because it is the same contract as the last four years, we had a standard rider that we attached to it with all the New Jersey requirements. Mr. Ursin commented he can tell you looking at it instantly the same rider would apply to the amusement contract would take a little more time.

Mayor Crowley commented to let Mr. Ursin review the contract first before we start approving things, have this on the agenda as soon as possible.

There was a discussion on the amusement contract.

Mayor Crowley asked if anyone was opposed; we should have the attorney review before we vote on a contract.

Mr. Limon commented he thought we are saving the date.

Mayor Crowley commented we are saving the date and seeing if anyone is opposed to it.

Mr. Giordano commented to vote on the contract pending attorney review.

Mr. Limon commented he is fine with that.

Mayor Crowley commented he would be opposed to it because he thinks there should be an attorney review first before you vote on it.

Mr. Martinez commented his only fear is because it is a carnival, is the time frame, to give a commitment so they can go ahead and schedule it. At least preliminary so they can move forward with this. Mr. Martinez commented his opinion is do a preliminary vote now and then pending.

Mr. Giordano made a motion that we approve it [the contract] preliminary pending attorney review. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Crowley commented this will be on agenda again next time.

Mr. Giordano commented he wanted to discuss some of things going on with the DPW contract. He has discussed it [the contract] with some of the other Council people; we would really like to try and settle the agreement with the DPW. Basically for all parties involved so we can basically move forward with a new clean slate at the end of this year. We would like to extend the contract the way it is and remain

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with a status quo so that there isn't any giant surprises or any problems, just extend the dates on the contract as they had requested. We had discussed with them until the end of this year. We will release the money that has been held for the 2014 raise. Basically try to move forward and schedule some time to negotiate the new contract meeting sometime in either late October or November.

Mayor Crowley asked who was on this committee.

Mr. Girodano commented it wasn't really a committee, amongst several of the other Council people.

Mayor Crowley asked who is on the negotiating committee.

The negotiating committee was Mr. Limon, Mr. Giordano and Mr. Fanale.

Mayor Crowley asked Mr. Martinez if he went on the committee when Mr. Fanale left.

Mr. Martinez commented he doesn't recall that.

Mayor Crowley asked if he went to any meetings with them.

Mr. Giordano made a motion that we resolve the issue with DPW with a simple extension of the contract to the end of 2015 and we will negotiate from that point forward at the time to be determined in the future sometime between November and October. Seconded by Mr. Snyder.

Mr. Snyder commented he sat with Mr. Giordano and discussed this matter with Councilman Giordano and Dabinett last week. We thought it would be the best for the town to get on with the contract with the DPW knowing how long it has been since they haven't had a contract. Mr. Snyder commented he agrees to settle it and move on; negotiate that contract at the end of the year.

Mr. Dabinett commented as he recalls we were setting the contract for 2015 and 2016.

Mr. Snyder commented we talked about that but we said for it to be 2014 and 2015. Mr. Snyder commented he felt to keep it at that level and negotiate at the end of this year for an extended contract.

Mr. Limon commented he is a little bit confused here; this is the first I'm hearing of this and I lead the negotiating team. Mr. Limon asked, Why wasn't I [advised] of any of this. Right now we are in the midst of settling this.

Mr. Dabinett commented this has been going on for years it has to come to a stop.

Mr. Limon commented we are working on that Bob [Mr. Dabinett].

Mr. Giordano commented we are spending a lot of time both the Borough and the DPW workers are incurring a lot of legal costs. At some point we have to put our foot down and say this has to stop; we are not here to be incurring the type of legal bills we have incurred and honestly we need to have a fresh start with the guys. It has been four years coming and honestly it is time that we just put this to bed and put it to rest and we take care of what we were elected for and that is to do what is good for the town. What is good for the town is not to be fighting our own employees and running legal bills.

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Mr. Limon commented we haven't had any action since 2008 on this; when I was appointed in order to handle this, we are making progress, in the last year he ran this. Up until that we haven't moved forward.

Mayor Crowley commented he wanted to point out the legal bills where because they [DPW] brought a lawyer to the table and they brought us to court. Don't throw this guilt trip on us, they decided and what happens to the law suit that they have now started if we settle this. Does the law suit go away?

Mr. Snyder commented that is correct.

Mayor Crowley asked what is correct.

Mr. Snyder said the lawsuit goes away.

Mayor Crowley asked do you have their settlement on this because they are not answering us, their lawyer isn't answering us.

Mr. Snyder commented the representative that is dealing with us assured us that is what is going to happen if we are able to vote on that.

Mayor Crowley commented in other words the three of you have been having your own negotiation with the DPW representatives and came to an agreement.

Mr. Giordano commented he wouldn't necessarily say that, he would say is what we did was we did something that should have been taken care of a number of years ago. Honestly it needed to be settled and we didn't see that it was moving forward.

Mayor Crowley asked Mr. Giordano you were on the committee, why wasn't it going forward.

Mr. Giordano commented the committee had not been called to meet since Mr. Fanale exited the Council. Which to be honest with you is not the way it should have been working at this point as far as this [DPW Contract] should be a finished matter. We shouldn't be continuing to drag it up every week.

Mayor Crowley asked why is it that we should drag it up, they [DPW] were not answering, their own lawyer wasn't even calling us.

Mr. Giordano commented he can't speak for their lawyer.

Mr. Snyder commented he thought this was in the best interest of the Council and the public itself to see where we are at with this negotiation and the rest of the Council to discuss this matter. Going forth he thought that it would be best if we did it this way.

Mr. Martinez asked what is the commitment as far as them dropping the lawsuit does the Borough have anything in writing that says it will be dropped.

Mr. Snyder commented there is nothing is writing.

Mr. Ursin stated we have to take one step back, the Borough was the party that suggested to go to mediation, we picked a mutual mediator, a PERC mediator who was appointed by the State not by us. Once that mediator was appointed and selected and a mediation session was scheduled, that was when the law suit was filed. We need to clear that up. The second thing is the Council has already authorized this settlement. The settlement is in writing, has been presented to the DPW and was initially accepted. It was exactly as Mr. Giordano and Mr. Snyder said

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tonight that it would be an extension of the contract through the end of the year, that the lawsuit would be dropped and all things will be status quo. Initially it was accepted. He reported back to the Council, we thought we had this done and then their lawyer indicated that they now have rejected it. In the last week possibly as much as two weeks we have not been able to get any further information from their lawyer. Mr. Ursin commented he isn't opposed to the settlement he thinks it is important to cross the T's and dot the I's to make sure all things stay status quo and you get a written representation the lawsuit is dropped, all the parties go to their mutual corners and the goals stated here are accomplished. He is in favor of that but for six weeks and that has been in writing and before them, period. With no strings attached no moving parts as straight forward as can be.

Mr. Ursin commented he doesn't know what the objection to it being in writing is and he would be cautious about just the order of events here. If the settlement is as Mr. Giordano and Mr. Snyder collectively said, that is consistent with the Borough's offer that is before them right now. Mr. Ursin commented this should get done, he can't explain why it is not.

Mr. Martinez asked they have that offer and if they sign on that offer that was already presented there will be no more talking about it today.

Mr. Ursin commented correct, it would already have been done, six weeks ago.

Mr. Martinez asked can we make a motion to approve it if that they sign off on that current document, we already submitted six weeks ago.

Mayor Crowley commented he thinks we did this by making the offer to them.

Mrs. McHose asked Mr. Ursin, the offer was presented it was verbally o.k. but we never had it signed.

Mr. Ursin commented correct.

Mrs. McHose commented the motion that you guys are making tonight is a little different then the memorandum of understanding that was submitted to the lawyer. It sounds a little more simplistic in details but it gets the job done. Mrs. McHose commented to make this clear because she thinks Mr. Martinez your making the suggestion that we go back to the drawing board with the memorandum of understanding that was presented to them.

Mr. Martinez commented correct.

Mr. Ursin commented the only thing the memorandum of understanding does is make status quo for the rest of the year so there is no surprises from either side.

Mr. Dabinett commented he is of the understanding the original proposal was for the years 2015 and 2016. Then the memorandum came forth for 2014-2015 which they rejected, that was why they [DPW] rejected it. He talked to Tom the other night and [asked] if we made this for 2015 and 2016 will you accept it. He [Tom] said yes. The reason it was rejected was because we are already half way through 2015.

Mr. Giordano commented he [Tom] had indicated he would be fine with 2014 and 2015 as well, we are going to sit down at the end of this year and start negotiating a new contract. We're talking about October or November.

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Mayor Crowley commented he doesn't know where you want to go with this; it sounds to me like there is a proposal through the lawyers to them [DPW] that they could except right now.

Mr. Limon commented for 15 and 16.

Mr. Ursin commented 14 and 15. Mr. Ursin commented that wasn't his decision that is what he was authorized to do by the Council. This was the product of a substantial discussion.

Mr. Ursin commented Mr. Snyder, originally following the Council meeting where this was authorized it was put in writing to them immediately; we got feedback that it was good and it was going to be accepted; it was a matter of getting it signed. Sometime later maybe a week or so there was some communication that it wasn't acceptable and there was a lack of communication.

Mr. Snyder commented we are basically doing what was asked to begin with waiting for them to sign.

Mr. Ursin commented if you are asking what the difference between your motion and the proposal that is on the table right now is an emphases on maintaining the status quo for the rest of the year, that is the only difference. You have made a motion to extend the contract to the end of 2015, the only thing different than what is in writing before them is that there is an emphasis in what is in writing to maintain the status quo so that there is no grievances, no other problems during this year, salaries get increased the same as all the other municipal employees the retro pay from 2014 comes but during this time period between now and the end of the year as Mr. Giordano said when negotiations can start there is an emphasis that everything else stays the same until you are able to negotiate. That is the only difference between what is in writing and the motion that was made.

Mr. Snyder commented that is what we stated and the way we discussed this with him for 2014 and 2015 the way the contract reads until the end of the year.

Mr. Giordano commented all this does is basically settle it for the time being until we have negotiations in the future, it isn't a matter of having a memorandum of agreement we agree in principal this is what we are going to do and we would like to settle this [to prevent] more legal fees from being mounted. We did speak and Tom was ok with 2015 we had originally spoken about 2016 but we did discuss and agree on 2015.

Mr. Dabinett commented that is not the memory of the meeting he has, he recalls that his [Tom] objection was for 2014 and 2015, he wanted it extended for 2015 and 2016.

Mr. Snyder commented you are right part of that session. Mr. Snyder commented he had mentioned to him [Tom] he couldn't accept 2016 out would be 2014 and 2015 and start negotiating for 16 in September of 15. Then he [Tom] said that is agreeable.

Mr. Martinez commented at this point we are waiting for a response from their attorney if it is just a date change then it is pretty much what we already submitted. Mr. Dabinett commented he is under the impression they [DPW] are not represented by an attorney.

Mr. Ursin commented we did get that indication the attorney wasn't involved anymore.

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Mr. Limon commented why wasn't this relayed to the negotiating team. You had meetings, why wasn't I informed of a meeting.

Mr. Giordano commented you can't have more than three people at a meeting; we discussed this at Spring Fling the other night or the other day maybe you thought I was talking about something else but you had indicated to me that you knew about it already.

Mr. Babcock asked Mayor Crowley, did you form a committee for this.

Mayor Crowley stated no.

Mayor Crowley commented he questions Mr. Babcock can't vote on this, so that gives the Council five votes for this matter and three of you were at a meeting outside of the Council and not appointed by the Council and came to a decision. Is this an ethics violation?

Mr. Dabinett commented he doesn't believe so.

Mr. Giordano commented there was no quorum.

Mayor Crowley commented you have somebody that can't vote, this matter will be taken up by 5 Council people three of you were at the meeting.

Mr. Dabinett commented he thinks they acted in the best interest of the people of Franklin and the taxpayers spending all this money on legal fees.

Mr. Limon commented all we are doing is waiting on their answer. We were waiting on their answer but you had a meeting to receive their answer without them answering formally.

Mr. Snyder commented Mr. Garrera stated they are no longer represented by an attorney.

Mr. Limon commented this is the first I'm hearing of this too.

Mr. Ursin commented it was within the last 10 days.

Mr. Martinez commented he would like to see this put to rest realistically at this point we just need to get the response back from them in writing that they are willing to accept what was proposed six weeks ago and if there is a change in date just to get us that document back so that we can put this to bed.

Mr. Ursin commented with the motion that is on the floor you would extend the contract with no conditions so he strongly encourages you to do keep it simple but if this motion were to go forward he strongly encourages you to amend it to extend the contract through end of 2015, conditioned upon the lawsuit permanently withdrawn all other items expect for the salary increases staying status quo and for their acceptance. That motion would essentially be in writing but verbally made in this public forum with the power of a Council vote. Mr. Ursin commented he is not directing which way you should vote but if the motion were to go forward he really encourages you to make that modification.

Mr. Giordano amended the motion to make that modification. Seconded by Mr. Snyder.

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Mayor Crowley commented we have a motion and a second and a modification; is there any other discussion.

Upon roll call vote:

Ayes: Dabinett, Giordano, Martinez, Snyder

Nays: Limon Absent: None Abstentions: Babcock

NEW BUSINESS

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for March 24, 2015. (Absent: Dabinett) Seconded by Mr. Babcock

Upon roll call vote:

Ayes: Giordano, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: Dabinett

Adoption of Ordinance #03-2015

Mr. Snyder made a motion to adopt ordinance 03-2015 "TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)" Seconded by Mr. Giordano.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 3-2015

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #04-2015

Mr. Snyder made a motion to adopt ordinance 04-2015 "AN ORDINANCE APPROPRIATING A NOT TO EXCEED SUM OF \$85,000. FROM RESERVE FOR CAPITAL OUTLAY, RESERVE FOR WATER/SEWER EQUIPMENT AND THE RESERVE FOR CAPITAL IMPROVEMENTS TO WATER DISTRIBUTION BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Giordano.

Prior to final roll call, Mayor Crowley opened the meeting to the public for any comments regarding ordinance 4-2015.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #05-2015

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 205 ENTITLED "PROPERTY MAINTENANCE" TO REQUIRE CREDITORS TO CARE FOR AND MAINTAIN THE EXTERIOR OF VACANT AND ABANDONED PROPERTIES UNDER FORCLOSURE" Seconded by Mr. Limon.

Public Hearing will be held April 28, 2015.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**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 14, 2015**

Introduction Ordinance #06-2015

Mr. Snyder made a motion to introduce an ordinance entitled "AN ORDINANCE UPDATING CHAPTER 119 REGARDING TOWING FEES IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY" Seconded by Mr. Giordano.

Public Hearing will be held April 28, 2015.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Appointment to Recreation

Mr. Snyder made a motion to confirm the Mayor's appointment for Mike Gunderman to the Board of Recreation Alternate #1. Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2015-33 Coin Toss Fundraiser

Mr. Snyder made a motion to adopt resolution 2015-33 approving Walkkill Valley First Aid Squad coin toss fundraisers contingent upon receiving any necessary County or NJDOT approval and complying with any request, recommendation or directions of the Franklin Borough Police Department. Seconded by Mr. Dabinett.

Upon roll call vote:

Ayes: Dabinett, Limon, Snyder

Nays: None Absent: None Abstentions: Giordano, Martinez, Babcock

Resolution 2015-34 Transparent Tax Act of 2015

Mayor Crowley explained resolution 2015-34 to the Council.

There was a brief discussion regarding the resolution.

Mr. Dabinett made a motion to adopt resolution 2015-34 supporting the Transparent Tax Act of 2015. Seconded by Mr. Martinez.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Board of Recreation Secretary

Mr. Snyder made a motion to hire Melissa Teague as Secretary to the Board of Recreation at the rate of \$125.00 per month, (10-12 hours per month). Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Dabinett, Limon, Martinez, Snyder, Babcock

Nays: None Absent: None Abstentions: Giordano

EXECUTIVE SESSION

There was no executive session.

**MINUTES OF THE MEETING OF THE
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MISCELLANEOUS COMMENTS

Mr. Snyder commented Robin sent out letters to all the Council [regarding] the Financial Disclosure [information] and reminded everyone to take care of that by the end of the month.

Mr. Giordano reported FOP and our Assemblywoman donated for the Miss Franklin pageant.

Mr. Giordano commented the garbage dumpsters at the Pond are not for public dumping.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 8:15p.m., seconded by Mr. Martinez. All were in favor.

Paul B. Crowley, Mayor

Robin Hough, Borough Clerk