

**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 9, 2019**

Council President Skellenger 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. Limon, Mr. Postas, Mr. Skellenger, Mr. Snyder, Mr. Soules, Mr. Zydou.

Absent: Mayor Giordano

Council President Skellenger led the assembly in the flag salute.

Council President Skellenger 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 sequentes. It has been properly advertised by posting in Borough Hall and printed in the New Jersey Herald/Sunday New Jersey Herald on January 4, 2019, and posted on the Borough website, which adequate notice has been certified by the Clerk."

### **PRESENTATIONS**

No presentations for tonight's meeting.

### **COMMITTEE REPORTS**

Mr. Limon commented that there was a Recreation meeting on Thursday. He stated that since becoming a committee the meetings have been very well attended. The Senior Spring Fling has been changed to May 11<sup>th</sup> at 12noon at the Franklin Fire House. Mr. Skellenger reported on the fishing derby as Mr. Limon was not in attendance. Mr. Skellenger commented that there was a record number of people in attendance, nearly 100 people. It was a great event and congratulated the Recreation Committee and the event chair. The next Recreation meeting is scheduled for the 17<sup>th</sup> because there is something happening at the Franklin School on the 18<sup>th</sup>.

Mr. Postas had nothing to report.

Mr. Snyder had nothing to report.

Mr. Soules had nothing to report.

Mr. Zydou had nothing to report.

Administrator McHose commented that she has been working with the Recreation Committee on getting the fields at the pond ready for opening day which baseball and softball are both opening on Saturday April 27<sup>th</sup>. All supplies have been ordered for the softball field. There is a new business opening on Main Street, a rock and mineral store and we just received an invitation for a ribbon cutting.

Mr. Ursin had nothing to report but requested an executive session to discuss the JCM Litigation.

### **OPEN PUBLIC SESSION**

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

Mr. Shane Hrbek of 343 Rutherford Avenue, Franklin stepped forward. Mr. Hrbek asked about the status of receiving bids for the pond. Administrator McHose commented that she has been in contact with the Sussex County YMCA and they are interested in applying to our RFQ for the beach.

Ms. Joanne Tatka of 151 Maple Road, Franklin stepped forward. Ms. Tatka thanked Captain Geddis for attending the concerned citizens meeting. Interesting to see that

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rock and mineral shop on Main Street because it follows with the Franklin theme; now I wonder who is going to open up the miniature golf course with the mining theme. Ms. Tatka asked how much insurance was going to pay for lawsuit settlements and are we privileged to know that figure. Ms. Tatka asked if anyone has a cost to open the pond this year. Administrator McHose commented that the cost would be approximately \$25,000.

Ms. Dawne Rowe of 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented that she sees that the Governing Body is going to pass the ordinance regarding commercial vehicles regardless of what the citizens seem to feel. Ms. Rowe commented that she doesn't support the ordinance as it is written.

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. Snyder. All were in favor.

**CONSENT AGENDA**

Council President Skellenger 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. Sussex County Board of Chosen Freeholders resolution to support the human trafficking and child exploitation prevention act.
2. Notice from Sussex County Department of Engineering and Planning re: Upcoming 2019 Sussex County Resurfacing Program.

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

1. Franklin Registrar Report for January 2019 – March 2019.
2. Construction Permit Activity Report – March 2019
3. Construction Report – March 2019
4. Construction COH – March 2019

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

1. Application for Peddler/Solicitor permit for Juan Zerna, 325 Main St. Ogdensburg, NJ, for the sale of ice cream.

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

1. Payment of bills for the meeting of April 9, 2019.

Mr. Skellenger made a motion to approve the consent agenda of April 9, 2019. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

**OLD BUSINESS**

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

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Limon made a motion approve the workshop meeting minutes for March 20, 2019. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

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Mr. Skellenger commented that the only correction to the March 26, 2019 regular meeting minutes and executive session meeting minutes is that Mayor Giordano was absent as well.

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for March 26, 2019 and add Mayor Giordano as being absent. (Absent: Zydon) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules

Nays: None Absent: None Abstentions: Zydon

**Adoption of Ordinance #03-2019**

Mr. Limon made a motion to adopt ordinance 03-2019 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 161 REGARDING PARKING COMMERCIAL VEHICLES". (Planning Board recommendation letter dated 3/20/2019 from Dave Brady, Esq. PB Attorney, included in packets) (Tabled from March 26, 2019, meeting) Seconded by Mr. Zydon.

**Prior to final roll call Council President Skellenger will open the meeting to the public for any comments regarding Ordinance 03-2019.**

Mr. Skellenger made a motion to open to the public ordinance 03-2019. Seconded by Mr. Postas. All were in favor.

Ms. Cheryl Krouse, 160 Munsonhurst Road, Franklin stepped forward. Ms. Krouse commented that 19,000-pound vehicles are pretty big vehicles and property values in Franklin are already dropping and asked if you are going to take into account what having a vehicle that big parked outside your house will do to our property values.

Mr. Skellenger made a motion to close to the public ordinance 03-2019. Seconded by Mr. Postas. All were in favor.

Mr. Zydon commented that he read the letter from Mr. Brady's office. Mr. Zydon read the definition of commercial vehicles as defined in the zoning book under Chapter 161-3. Mr. Zydon explained the definition of idling as defined by the NJDEP. Mr. Zydon stated that our zoning ordinances are antiquated.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

**Adoption of Ordinance #04-2019**

Mr. Postas made a motion to adopt ordinance 04-2019 entitled "ORDINANCE 04-2019 CALENDAR YEAR 2019 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)". Seconded by Mr. Limon.

**Prior to final roll call Council President Skellenger will open the meeting to the public for any comments regarding Ordinance 04-2019.**

Mr. Soules made a motion to open to the public ordinance 04-2019. Seconded by Mr. Zydon. All were in favor.

No one from the public stepped forward.

Mr. Skellenger made a motion to close to the public ordinance 04-2019. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

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Resolution #2019-35

Mr. Postas made a motion to adopt resolution 2019-35 457(b) Deferred Compensation Plan. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Resolution #2019-36

Mr. Postas made a motion to adopt resolution 2019-36 to amend the 2019 temporary capital budget. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Resolution #2019-37

Mr. Snyder made a motion to adopt resolution 2019-37 to approve a coin toss Fundraiser for St. John Vianney Church sponsored by the Knights of Columbus chapter #12649 on May 4, 2019. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Introduction of Ordinance #05-2019

Mr. Snyder made a motion to introduce ordinance 05-2019 entitled "ORDINANCE PROVIDING FOR THE ACQUISITION OF A SEWER JET BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$57,000 THEREFOR FROM THE IMPROVEMENTS TO SEWERS RESERVE OF THE BOROUGH." Seconded by Mr. Postas.

**Public hearing will be held April 23, 2019.**

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: None

Application for a Social Affairs Permits

Mr. Snyder made a motion to approve the application for a social affair permit submitted by the American Legion Post #132, premises for the social affair permit is 1 Sgt. Francis M. Glynn Road, Franklin on April 27, 2019 and June 29, 2019, and authorize the clerk to endorse the application. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder, Soules, Zydon

Nays: None Absent: None Abstentions: Limon

Application for a Social Affair Permits

Mr. Soules made a motion to approve the application for a social affair permit submitted by the Franklin Fire Department, premises for the social affair permit is 137 Buckwheat Road, Franklin on May 4, 2019 and June 8, 2019, and authorize the clerk to endorse the application and with the approval of the NJ Division of ABC. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Franklin Fire Department Request to Waive 50/50 Raffle Application Fee

Mr. Soules made a motion to approve a request from the Franklin Fire Department to waive the Franklin Borough \$20 50/50 raffle application fee for a raffle being held at their Steak & Lobster dinner fundraiser on August 17, 2019. Seconded by Mr. Zydon.

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Upon roll call vote:

Ayes: Postas, Skellenger, Soules, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

### Discussion on the Recommended Main Street Redevelopment Plan Resolution from the Planning Board.

At this time there was a discussion on the Resolution from the Planning Board entitled "RESOLUTION RECOMMENDING THE HISTORIC MAIN STREET REDEVELOPMENT PLAN FOR THE ZINC MINE REDEVELOPMENT AREA AND THE MAIN STREET REHABILITATION AREA".

Mr. Postas commented that what the Planning Board is recommending is changing the lower portion of the Zinc property to industrial only and he feels that it limits our town. Mr. Postas recommends to leave it commercial residential. They are recommending to limit the density from 35 per acre to 25 per acre. Mr. Postas stated that the Franklin House is 45 units per acre, how can you do something 30 yards away and limit them to half of what is right up the hill. Mr. Zydon commented placing a possible time limit on the lower portion of the Zinc property. Mr. Limon stated that he supports Mr. Postas' recommendations. Mr. Snyder is agreeable to positive movement; it has been stagnant too long. Mr. Skellenger commented that he does not want to limit the options of what can and cannot happen down there. Mr. Ursin commented that the liaison should relay the information back to the Planning Board.

### Discussion on Area "E" East Redevelopment

At this time there was a discussion on Area "E" East redevelopment.  
(former Super Walmart site)

Mr. Ursin explained a meeting with a developer. The developer has written a letter to the town and asked to be authorized to post an escrow and meet with the planning professionals to make a proposal about creating an amendment to that plan that would allow a more mixed-use development up on that site. Mr. Postas commented that the zoning for that property is for a big box store. Mr. Ursin explained the process for amending the plan.

## OPEN PUBLIC SESSION II

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

Mr. Anthony Patire, Zinctown Properties stepped forward. Mr. Patire commented that they are going to move forward on a site-specific application with the NJDEP and sewer service area with SCMUA on both sites. Mr. Patire thanked the Council for their support.

Ms. Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka commented that she hopes the Super Wal-Mart site does not become an apartment development; we need businesses. Zinctown property bottom area was going to be industrial so that they could possibly use the railway access. St. John Fundraiser at Franklin Ave and Route 23, can they get a better location to hold that fundraiser. Ms. Tatka asked if the cost of the sewer jet is \$57,000.

Mr. Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina commented on the Wal-Mart site. Mr. Durina commented that he does not appreciate the administrators and attorneys meeting and discussing Franklin's future without the Planning Board members included in the meetings. Mr. Durina commented that there are four homes on Taylor Road that are for sale. Mr. Durina commented that it is illegal to make a left hand turn onto Taylor Road from Route 23 North; can a letter be sent to the State to get a left-hand turn lane or a sign that states no left turn.

Mr. Anthony Patire, Zinctown Properties stepped forward. Mr. Patire commented that he had numerous meetings with the planning board and council; they did a perfect job.

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Ms. Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on changing the procedure on the adoption of ordinances by putting the Council comments first before the public hearing.

Mr. Dick Durina, 23 Lozaw Road, Franklin stepped forward. Mr. Durina asked what the date is for the opening of the Rock Store. Administrator McHose commented it is April 13<sup>th</sup> at 12noon.

Ms. Patti Carnes, 289 Rutherford Avenue, Franklin stepped forward. Ms. Carnes commented on the signage at Rutherford Avenue and Route 23 for no left turn; can the sign be larger.

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. Postas. All were in favor.

**MISCELLANEOUS COMMENTS**

Mr. Skellenger congratulated the Franklin Elementary School and PTO on their event and the Recreation committee for the Fishing Derby.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Postas made a motion to adjourn into closed executive session to discuss pending litigation and attorney client privilege matters. Motion seconded by Mr. Soules. All were in favor.

Council President Skellenger stated there will be no official action taken after executive session, the Council will adjourn directly from there.

**ADJOURNMENT**

At 7:57PM, the Council adjourned into executive session and did not return into open public session.

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Stephen Skellenger, Council President

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Darlene J. Tremont, Municipal Clerk