

**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  
MARCH 9, 2021**

This meeting is being held through a virtual meeting platform called ZOOM. The public has been notified and instructed on how to join the meeting.

Mayor Sowden 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. Formica, Mr. Postas, Mr. Skellenger, Mr. Snyder, Mr. Zydon and Mayor Sowden.

Absent: Mr. Limon

Mayor Sowden led the assembly in the flag salute.

Mayor Sowden 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 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."

**PRESENTATIONS**

Ms. Jackie Espinoza from Jersey Central Power and Light and Mr. Edward Jinks, Regional Engineering Manager from Jersey Central Power and Light gave an overview of the transmission event that occurred on February 15, 2021 and how the crew from JCP&L repaired the lines.

Mr. Postas asked if there are any plans on upgrading the infrastructure in the substation.

Mr. Jinks discussed the service overview for Franklin Borough, reliability statistics and reliability improvements. Ms. Espinoza and Mr. Jinks also discussed items that need to be followed up on by JCP&L. Ms. Espinoza discussed the preventative maintenance program that is performed by JCP&L engineering department.

**COMMITTEE REPORTS**

Mr. Postas commented that there was an ordinance meeting last night and there are two ordinances in the works. We are reworking the parking ordinance and discussed the cannabis ordinance.

Mr. Snyder had nothing to report.

Mr. Formica commented that buildings and grounds will be having a meeting tomorrow night (March 10).

Mr. Zydon commented that there was a public safety meeting regarding the fire department trying to find alternative funding sources and we are in talks with another department that is using a certain system.

Administrator Bonanno had nothing to report.

Clerk Tremont had nothing to report.

Mr. Ursin had nothing to report.

Mr. Skellenger had nothing to report.

Mayor Sowden had nothing to report.

Mr. Snyder asked if anything is happening with the budget.

Administrator Bonanno commented that she is in the process of preparing the draft budget and will be having a finance meeting in the near future.

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Administrator Bonanno commented that there are free radon test kits available at the Municipal Building.

### **CONSENT AGENDA**

Mayor Sowden 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. Adoption of Sparta Township ordinance 21-01 amending Chapter XVII entitled "Comprehensive Land Management code to update and amend section 18-4.29 entitled ED Economic Development District" and section 18-4.35 entitled "PDRM-1 Planned Development and Resource Management-1 District".
2. Introduction of Sparta Township ordinance 21-02 amending chapter 18 "Comprehensive Land Management Code", section 18-5.3f "Stormwater Control", of the code of the Township of Sparta.
3. Hampton Township resolution in support of A4687/S3189 extending the expiration dates of EMT and Paramedic certificates.
4. Hampton Township resolution establishing a business non-interference policy in Sussex County.
5. Hampton Township resolution demanding that the New Jersey State Legislature accept its responsibility to administer the provisions of the Affordable Housing Act and stay further action until such times as it has promulgated rules governing its implementation.

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

1. Police Department Report – February 2021

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

1. None filed.

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

1. Resolution #2021-21  
Approval to adopt resolution 2021-21 authorizing compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964".
2. Resolution #2021-22 – REMOVED FROM CONSENT AGENDA  
Approval to adopt resolution 2021-22 authorizing a disable veteran exemption on 37 Buckwheat Road, Franklin, Block 1302, Lot 18.
3. Resolution #2021-23  
Approval to adopt resolution 2021-23 authorizing a disabled veteran exemption on 3 Ginter Street, Franklin, Block 1403, Lot 7.
4. Payment of bills for the meeting of March 9, 2021.

Mr. Snyder made a motion to approve the consent agenda of March 9, 2021 with the removal of Resolution 2021-22. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### **OLD BUSINESS**

Mr. Zydon asked if there was an update on the McCann Street project.

Mayor Sowden commented that he was in contact with the engineer this morning and they will start mobilizing the site tomorrow and start excavation Thursday morning.

Mr. Postas commented that we have gone back and forth with this company since November. We have had promises of them being here several times. They are out making money elsewhere and blowing Franklin off. Mr. Postas suggested that if this company is not there Thursday morning, we remove their equipment and store it somewhere in town and charge the company a storage fee, we remove them from the job and re-bid the job. Mr. Postas suggested that this company not do work in Franklin Borough again.

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Mr. Ursin commented that he would immediately huddle with the engineer should the company not show Thursday morning and start the process of a bond claim.

### **NEW BUSINESS**

#### **Approval of Meeting Minutes**

Mr. Skellenger made a motion to approve the regular meeting minutes for February 23, 2021. (Absent: Snyder). Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: Limon Abstentions: Snyder

#### **Agreement for Certified Recycling Professional**

Mr. Skellenger made a motion to approve the agreement between the Borough of Franklin and SCMUA to retain the services of SCMUA for a Certified Recycling Professional that will be responsible for executing the mandatory annual 2020 municipal recycling tonnage report in the amount of \$300.00 annually. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

#### **Mayoral Appointment**

Mayor Sowden will make the following appointment:

#### **2021 School Crossing Guard**

Mr. Postas made a motion to confirm the Mayor Sowden's appointment of Amanda Tassilos, substitute school crossing guard to permanent school crossing guard as recommended by Lynn Prtorich, Head Crossing Guard. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

#### **National Poison Prevention Week Proclamation**

Mr. Skellenger made a motion to adopt the Proclamation proclaiming the third full week in March (March 21<sup>st</sup>-27<sup>th</sup>, 2021) to be National Poison Prevention Week (NPPW). Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

#### **Adoption of Ordinance #02-2021**

Mr. Formica made a motion adopt Ordinance 02-2021 entitled "AN ORDINANCE AMENDING CHAPTER 161 "LAND DEVELOPMENT" ARTICLE IX STORMWATER AND FLOODING CONTROLS." Seconded by Mr. Postas.

**Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 02-2021.**

Mr. Postas made a motion to open to the public ordinance 02-2021. Seconded by Mr. Skellenger.

Administrator Bonanno directed anyone who wished to address the Governing Body to raise their hand.

No one from the public raised their hand.

Mr. Postas made a motion to close to the public ordinance 02-2021. Seconded by Mr. Formica. All were in favor

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Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder

Nays: Zydon Absent: Limon Abstentions: None

### **Adoption of Ordinance #03-2021**

Mr. Postas made a motion to adopt ordinance 03-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 10 CREATING A HISTORIC PRESERVATION COMMISSION." Seconded by Mr. Snyder.

**Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 03-2021.**

Mr. Postas made a motion to open to the public ordinance 03-2021. Seconded by Mr. Snyder.

Administrator Bonanno directed anyone who wished to address the Governing Body to raise their hand.

Mr. Wayne McCabe, 125 High Street Newton, addressed the Governing Body regarding ordinance 03-2021 stating that he was in favor of this ordinance.

Mr. Postas made a motion to close to the public ordinance 03-2021. Seconded by Mr. Zydon. All were in favor.

Mr. Formica commented as the ordinance is written it causes him to have concerns for the individual rights of property owners and potential costs if their building must be updated to preserve its' historic heritage.)

Mr. Zydon commented he agrees in part with Councilman Formica, he doesn't want to restrict homeowners to what they can or can't do to their homes. Mr. Zydon questioned if we are looking to target certain areas of town or the town as a whole.)

Mayor Sowden commented all of the town will need to be looked at and advised that we don't want to restrict property owners; this is an ordinance to start the review of what we might want done. It is more about preserving the exterior and not necessarily the inside.

A discussion continued on ordinance 03-2021.

Upon roll call vote:

Ayes: Postas, Snyder, Zydon

Nays: Formica Absent: Limon Abstentions: Skellenger

### **Introduction of Ordinance #04-2021**

Mr. Skellenger made a motion to introduce ordinance 04-2021 entitled "BOROUGH OF FRANKLIN SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)". Seconded by Mr. Postas.

**Public hearing will be held on March 23, 2021.**

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### **Pandemic Related Outdoor Seating Authorization for Restaurants**

Mr. Skellenger made a motion to extend the pandemic related outdoor seating authorization for restaurants until the end of the public health emergency. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

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**ADDENDUM**

**Resolution #2021-24**

Mr. Formica made a motion to adopt resolution 2021-24 to approve the coin toss Fundraisers for the Franklin Fire Department for the year 2021 on March 13<sup>th</sup> and 14<sup>th</sup>. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: Limon Abstentions: Snyder

**EXECUTIVE SESSION**

There was no executive session.

**OPEN PUBLIC SESSION**

Mr. Postas 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.

Administrator Bonanno directed anyone who wished to address the Governing Body to raise their hand.

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

**MISCELLANEOUS COMMENTS**

Mr. Postas commented about returning to in person meetings.

Mayor Sowden commented that the next council meeting (March 23<sup>rd</sup>) would be in person.

**ADJOURNMENT**

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

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk