

**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
MAY 23, 2023**

This meeting is being held in person adhering to the CDC guidelines and through a virtual meeting platform called ZOOM. The public who attended through ZOOM has been notified and instructed on how to join the meeting and participate during the public session.

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, Mrs. Heath, Mr. Postas, Mr. Skellenger, Mr. Snyder 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, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

Fire Department Oaths of Office

Mayor Sowden recognized the Chief of the Franklin Fire Department for 2023, Michael Raperto.

At this time Ms. Tremont administered the Oath of Office to the Chief of the Franklin Fire Department for 2023, Michael Raperto.

Fire Chief Raperto recognized the Assistant Chief of the Franklin Fire Department for 2023, Corey Houghtaling.

At this time Ms. Tremont administered the Oath of Office to the Assistant Chief of the Franklin Fire Department for 2023, Corey Houghtaling.

COMMITTEE REPORTS

Mr. Postas had nothing to report.

Mr. Snyder commented there will be a personnel meeting this Thursday to discuss contract negotiations and other personnel matters.

Mr. Formica commented that on Saturday there was a ribbon cutting event to welcome Main Street Station 1 and 2. I received an update from Jesse that they moved the dumpster over today for the carnival and the locks will be changed this week at the senior center and the mulch should be here by the end of next week

Mr. Skellenger had nothing to report.

Mrs. Heath commented that the carnival will be running from May 24 through May 28 at the Franklin Pond. The fishing contest will be held Saturday June 3, 2023 from 8am-12pm.

Mrs. Tremont commented that there will be DPW interviews starting tomorrow.

Mayor Sowden commented that we have been reviewing the ash trees around town. We are still held up on the water sphere and the removal of the equipment from the sphere. The Edison School House/Hungarian Church roof is bad and causing the flooring to separate. Looking forward to the Carnival and the fireworks on July 1. On Thursday the assembly will be voting on making Franklinite the official state mineral.

MAYOR & COUNCIL MEETING MINUTES MAY 23, 2023

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. Snyder. All were in favor.

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

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. Final Equalization Table (Amended) for County of Sussex for the year 2023.
2. Letter dated May 2, 2023 from Sussex County Clerk of the Board of County Commissioners regarding the passage of capital ordinance 23-02 and bond ordinances 23-03 and 23-04.
3. Letter dated May 9, 2023 from Borough of Hamburg to Sussex County Planning Board re: Borough of Hamburg stormwater management plan.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report – April 2023
2. County Health Department Report – April 2023
3. DPW Report – April 24, 2023 – April 28, 2023
4. DPW Report – May 1, 2023 – May 5, 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 23, 2023.

Mrs. Heath made a motion to approve the consent agenda of May 23, 2023 with the removal of PO #36159. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Mr. Formica made a motion to approve PO #36159. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Snyder

Nays: None Absent: Limon Abstentions: Skellenger

OLD BUSINESS

Discussion on McCann Street Sewer Remediation

Mr. Knutelsky stepped forward and explained the history of the project. The project was bid in the summer of 2020 and a preconstruction meeting was held in September 2020 where the contract stated that the project would take one day to complete. The contract was supposed to have the work done in late November and the finish date was extended for the contractor. Brian VandenBroek requested that a camera be run through the pipe to make sure everything is good with the pipe. After the camera was run through the pipe a deviation was found in the pipe. The contract is willing to do the repairs under the maintenance portion of the contract. After some further discussion, Mr. Knutelsky will communicate to the contractor that they have 60 days to complete the project.

NEW BUSINESS

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for May 9, 2023. (Absent: Postas and Mayor Sowden) Seconded by Mrs. Heath.

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Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Postas

Resolution 2023-69

Mr. Skellenger made a motion to adopt Resolution 2023-69 authorizing through NJ State Contract a purchase of a 2023 Chevrolet Tahoe PPV from Hertrich Fleet Services. Seconded by Mrs. Heath.

Mr. Snyder asked why an administration vehicle was being purchased instead of a police department road car.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger

Nays: None Absent: Limon Abstentions: Snyder

Resolution 2023-70

Mr. Postas made a motion to adopt Resolution 2023-70 regarding terms of COAH compliance with the revised developer's agreement. Seconded by Mrs. Heath.

Mr. Ursin explained the history of the project and the COAH compliance. The developer would like to defer the COAH unit requirement with two (2) bonds with a cash value of \$125,000 for each unit.

Jackie Elenar, Y&J Properties, stepped forward. Ms. Elenar commented that they would like to use 55 Main Street for the COAH units. The closing for the property is scheduled for the end of the June.

Mr. Ursin explained that if the developer defaults than the Borough receives \$250,000.

Mrs. Heath asked how many apartments are being proposed for 55 Main Street.

Ms. Elenar commented that the site plan has 20 units and we are maintaining the theater as a community center.

Upon roll call vote:

Ayes: Heath, Skellenger, Snyder

Nays: Formica, Postas Absent: Limon Abstentions: None

Resolution 2023-71

Mr. Postas made a motion to adopt Resolution 2023-71 authorizing the Borough of Franklin to enter into a vendor contract agreement with the New Jersey Department of Community Affairs to participate in the Low-Income household water assistance program ("LIHWAP"). Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Resolution 2023-72

Mrs. Heath made a motion to adopt Resolution 2023-72 authorizing a refund of a water/sewer overpayment to the State of New Jersey. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Resolution 2023-73

Mr. Skellenger made a motion to adopt Resolution 2023-73 authorizing participation in County of Sussex volunteer fire and emergency medical services grant program funded by the American Rescue Plan Act's (ARPA) Coronavirus state and local fiscal recovery funds (CSLFRF), Assistance listing #21.027. Seconded by Mr. Formica.

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Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Resolution 2023-74

Mr. Skellenger made a motion to adopt Resolution 2023-74 regarding police department promotion (Letter of recommendation included in council packet). Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Mayor Sowden announced that David Schneider was promoted to the position of Sergeant to become official upon swearing in.

Adoption of Ordinance 05-2023

Mr. Formica made a motion to adopt Ordinance 05-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY MODIFYING CHAPTER 248 TOWING SERVICES". Seconded by Mr. Postas.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for comments on ordinance 05-2023. Mr. Postas made a motion to open to the public ordinance 05-2023, seconded by Mr. Skellenger. All were in favor.

There being no one present or on Zoom who wished to address the governing body, Mr. Postas made a motion to close to the public ordinance 05-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Introduction of Ordinance 06-2023

Mr. Snyder made a motion to introduce Ordinance 06-2023 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS 2023 ROAD IMPROVEMENTS BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$803,962 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$588,342 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF. Seconded by Mr. Postas.

Mayor Sowden announced that the public hearing will be June 13, 2023.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Heath

100 Main Street Municipal Parking Lot

Mr. Postas made a motion to authorize French & Parrello to provide a boundary survey for 100 Main Street Parking Lot in the amount of \$2,000.00. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Approve request from Wallkill Valley Coalition

Mr. Formica made a motion to allow an Atlantic Health helicopter land at the Franklin Pond during National Night Out on August 1, 2023. Seconded by Mr. Skellenger.

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Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

Discussion on referendum question

Mr. Postas explained the costs to acquire the property and the cost for building. The revenue cannot be determined at this time as it would be dependent on how the building is run. Mr. Postas feels that a full-time recreation director should be sought. The property in question is still being investigated for any contamination and so far the only thing that has been found is aspirin.

Mayor Sowden suggested that Mr. Postas and Mr. Formica along with French and Parrello should meet to discuss this issue.

Discussion on amendment to Borough Fee Ordinance

Mr. Formica commented that at the last planning board meeting it was discussed to raise the fee for a TCC Meeting from \$500 to \$600.

Mr. Ursin will draft an ordinance for the change in fee for the TCC meeting.

Discussion on Re-Zoning

Mr. Formica commented that the planning board discussed the rezoning of the lots on Main Street. The letter that was sent to the Mayor and Council from the planning board recommended two of the five lots. The planning board recommended changing the zone for 175 Main Street and 174-176 Main Street.

Mr. Ursin will draft an ordinance to make the change in zones for the properties discussed on Main Street.

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Formica commented that at the EDC Meeting they discussed new holiday lights for Main Street. Mr. Formica will reach out to the company to get a better price for the holiday lights that was most liked by the Council.

Mrs. Tremont commented that she received a call from Stephanie of French and Parrello regarding the Hemlock sidewalks. There is no contractor in the Morris County Co-op, so they have to go out to bid for the sidewalks. Stephanie is asking for authorization to start the bid process for the Hemlock sidewalks. It was the consensus of the council to allow Stephanie to start the bid process for the Hemlock sidewalks.

Mrs. Heath asked who was participating in the Memorial Day Parade this weekend.

Mr. Snyder asked if there was an engineering report for the Main Street traffic light. Mrs. Tremont will reach out to the engineer to get an update.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 8:25p.m., seconded by Mr. Postas. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk