

**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  
JUNE 10, 2021**

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 announced this meeting has been rescheduled from June 9, 2021 to today, June 10, 2021.

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. Zydou 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**

There were no presentations this evening.

**COMMITTEE REPORTS**

Mr. Skellenger had nothing to report.

Mr. Postas had nothing to report.

Mr. Snyder reported on personnel items. We are in the process of filling the tax department position and have been informed we have a good candidate to replace Karen. Brian [VanDenBroek] and Scott [Holzhauer] are very pleased with the new DPW and Tax Assessor Assistant, Christine, she is doing a great job so far. We are still in the process of hiring another DPW person one of the other previous applicant's didn't work out. The zoning officer position hasn't been filled yet. Mr. Snyder commented there is a police hiring program grant that we are looking into. It pays 75% of the salary for 3 years, the submittal deadline is coming up soon.

Mr. Formica reported Thursday, May 27, 2021 the Sussex County Hunger Coalition had their first produce pop up. It was very successful 95 people came out and there wasn't anything leftover. They are going to continue to hold it on the last Thursday of every month until the growing season is over. The playground installation is continuing. Mr. Formica commented he has contacted the fence company to get their installation availability.

Mr. Zydou had nothing to report.

Administrator Bonanno had nothing to report.

Clerk Tremont had nothing to report.

Mr. Ursin had nothing to report.

Mayor Sowden had nothing to report.

**MAYOR & COUNCIL MEETING MINUTES JUNE 10, 2021**

**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.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Mrs. Heath asked why the Hemlock Drive sidewalks are being marked with orange paint.

Administrator Bonanno commented they are being marked for tripping hazards. The DPW supervisor and our Borough engineer are investigating the best way to make temporary repairs while we make a long term plan.

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

There being no one else 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. Township of Hardyston Resolution #40-21 disapproving of the State of New Jersey imposing additional staff overtime election fees.
2. Township of Sparta Ordinance #21-10 prohibiting the operation of any class of cannabis businesses within its geographical boundaries and amending section 18-4.5(h) (prohibited uses) of the Sparta Township Municipal Code.

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

1. Construction Permit Activity Report – May 2021
2. Construction Report – May 2021
3. Construction COH Report – May 2021

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

1. None filed.

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

1. Resolution #2021-50  
Approval to adopt resolution 2021-50 authorizing the Borough Clerk to renew the following liquor licenses for the 2021-2022 licensing term.  
1906-33-014-006 Six Gee Corp. T/A Irish Cottage Inn  
1906-32-013-009 Franklin 897 LLC. T/A Shop Rite Wines and Spirits  
1906-33-010-008 Franklin Grill & Tavern, LLC T/A Brick & Brew  
1906-33-008-010 Stone Hill Recreation Corp. T/A Bear Den Grill, Black Bear  
1906-44-006-006 MINDIP LLC. T/A The Right Bottle  
1906-44-007-007 WC Franklin LLC. T/A Wine Country Franklin
2. Payment of bills for the meeting of June 9, 2021.

Mr. Zydor made a motion to approve the consent agenda of June 10, 2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydor

Nays: None Absent: Limon Abstentions: None

**OLD BUSINESS**

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

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for May 25, 2021. (Absent: None) Seconded by Mr. Formica.

**MAYOR & COUNCIL MEETING MINUTES JUNE 10, 2021**

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Public Employer Trust Agreement**

Mr. Snyder made a motion to approve the Public Employer Trust Agreement between the Borough of Franklin and Brown and Brown Benefit Advisors for Horizon Healthcare Dental for the period of July 1, 2021 to June 30, 2022, at no increase in premiums, addendum with coverage cost election attached. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Adoption of Ordinance #06-2021**

Mr. Postas made a motion to adopt Ordinance 06-2021 entitled "AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN CHAPTER 161 PROHIBITING CERTAIN CANNABIS ESTABLISHMENTS AND RELATED ACTIVITIES". Seconded by Mr. Zydon.

Mr. Ursin explained what is allowed under the statute that the State of New Jersey passed pertaining to ordinance 06-2021. They have given us a six month window to decide what we can prohibit in the Borough of Franklin. Under the statute we can take away but we can't add a prohibition for the next 5 years. This ordinance does not ban manufacturing, cultivation or wholesale distributions, it has no effect on those uses at all. The Planning Board has reviewed this ordinance within the 35 days required. After their review they provided a letter requesting the Council delay the adopting of it. Mr. Ursin commented their concerns are whether anything in the ordinance would impact the existing manufacturing business or those manufacturing businesses that might come into the Borough. Mr. Ursin stated this ordinance has no impact on those businesses, we are modifying the section of the ordinance that is called prohibited uses, we aren't creating any other changes that would affect the zoning ordinance with respect to what's allowed in other zones. Currently, we have interpreted manufacturing to include agricultural manufacturing. The Planning Board also commented on a one word change in the ordinance that was made from introduction to the second reading. The item that was changed was one of the banned categories; "retail cultivation and growing". What we were seeking to ban was not a growing and cultivation business, but to ban a "combined" retail growing manufacturing business. Mr. Ursin also commented in his view this doesn't change the meaning of the ordinance, it's a clerical fix to unclear language and encouraged the Council consider adopting this ordinance tonight.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 06-2021.

Mr. Skellenger made a motion to open to the public ordinance 06-2021. Seconded by Mr. Formica. All were in favor.

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

No one from the public stepped forward or raised their hand.

Mr. Skellenger made a motion to close to the public ordinance 06-2021. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**MAYOR & COUNCIL MEETING MINUTES JUNE 10, 2021**

**Adoption of Ordinance #07-2021**

Mr. Postas made a motion to adopt ordinance 07-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 96 BUILDING CONSTRUCTION". Seconded by Mr. Zydon.

Mr. Formica commented he would like to table ordinance 07-2021 to review it further.

Mr. Ursin commented this ordinance refers to certain inspections no longer being done since Hardyston Township took over the Borough's construction department. It is to correct the ordinance to conform to what is being done today.

Mr. Formica commented on commercial building inspections and if certain inspections aren't being done, businesses are able to open without the proper safety measures.

Mr. Postas commented the Borough needs to formulate an inspection process in the future to protect new businesses coming into town.

A discussion continued on ordinance 07-2021 with regard to inspections, habitability, property maintenance and shared services contract.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 07-2021.

Mr. Formica made a motion to open to the public ordinance 07-2021. Seconded by Mr. Skellenger. All were in favor.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Mrs. Heath read the Franklin Borough's certificate of occupancy compliance inspection requirements from Hardyston Township's website under their Construction Department. Mrs. Heath commented she is happy the Council is reviewing this. It's very important, inspections protect the landlord and the tenant.

Mr. Skellenger made a motion to close to the public ordinance 07-2021. Seconded by Mr. Postas. All were in favor.

Mr. Formica made a motion to table ordinance 07-2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: None

Nays: Formica, Postas, Skellenger, Snyder, Zydon

Absent: Limon Abstentions: None

**Motion Failed**

**Adoption of Ordinance 07-2021**

Upon roll call vote:

Ayes: None

Nays: Formica, Postas, Skellenger, Snyder, Zydon

Absent: Limon Abstentions: None

**Motion Failed**

**Adoption of Ordinance #08-2021**

Mr. Formica made a motion to adopt ordinance 08-2021 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,261,008 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$983,933 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF". Seconded by Mr. Postas.

**MAYOR & COUNCIL MEETING MINUTES JUNE 10, 2021**

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 08-2021.

Mr. Formica made a motion to open to the public ordinance 08-2021. Seconded by Mr. Skellenger. All were in favor.

No one from the public stepped forward or raised their hand.

Mr. Postas made a motion to close to the public ordinance 08-2021. Seconded by Mr. Formica. All were in favor.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Adoption of Ordinance #09-2021**

Mr. Skellenger made a motion to adopt ordinance 09-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 196, PARKS AND RECREATION, TO UPDATE RULES AND REGULATIONS". 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 09-2021.

Mr. Snyder made a motion to open to the public ordinance 09-2021. Seconded by Mr. Formica. All were in favor.

Rachel Heath, 7 Hemlock Drive, Franklin stepped forward. Mrs. Heath commented on a previous ordinance that was deleted that included vending machine licenses. Mrs. Heath asked the Council to consider bringing back the vending machine licenses and fees.

No one else present stepped forward or on Zoom raised their hand.

Mr. Skellenger made a motion to close to the public ordinance 09-2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Introduction of Ordinance #10-2021**

Mr. Skellenger made a motion to introduce ordinance 10-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 119 "FEES" AND DELETING CHAPTER 92 REGARDING BOATING". Seconded by Mr. Formica

Public Hearing will be held on June 22, 2021.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**ADDENDUM**

**First Amendment to PCS Site Agreement**

Mr. Ursin requested a motion to table this agreement. Details are still being discussed.

Mr. Formica made a motion to table to the next meeting the First Amendment to PCS site agreement. Seconded by Mr. Postas.

**MAYOR & COUNCIL MEETING MINUTES JUNE 10, 2021**

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-51**

Mr. Formica made a motion to adopt resolution 2021-51 authorizing a contract with Advanced Plumbing and Drain Cleaning, Inc. for sanitary sewer video inspection and jet cleaning services not to exceed \$20,000. (Proposals included in Council packets) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-52**

Mr. Formica made a motion to adopt resolution 2021-52 to retain the services of Uhl & Associates, Inc., certified professional hydrogeologist and water resources consultant not to exceed \$7,500. (Proposal included in Council packets) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

There were no miscellaneous comments.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zydon made a motion to adjourn the meeting at 7:50p.m., seconded by Mr. Skellenger. All were in favor.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk