

**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  
AUGUST 18, 2020**

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 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, Mr. Postas, Mr. Skellenger, Mr. Snyder, Mr. Zydon (not heard on recording) and Mayor Sowden.

Absent: 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 5, 2020, and posted on the Borough website, which adequate notice has been certified by the Clerk."

## **PRESENTATIONS**

### **Summary or Synopsis of 2019 Audit Report**

Mr. Tom Ferry, Borough Auditor was granted permission to join the meeting. Mr. Ferry commented he will briefly go over the 2019 Audit highlights by page number, starting with page 63 statement of operations for the current fund. The current fund is where most of the tax revenues and expenditures are shown including your current budget. The statement of operations is similar to an income statement. Mr. Ferry explained revenue and expenditure balances, the tax payments the Borough made to the County and school. There was a statutory excess of almost \$239,000 which was put back into our fund balance, we then used \$650,000 to balance our budget to help keep taxes low. That caused a decrease in the fund balance, but he is not concerned; Franklin Borough's fund balance is still extremely healthy. Mr. Ferry referenced page 64, the water/sewer utility operations, explaining its revenues and expenditures; it caused almost no change in the [water/sewer] fund balance, again very healthy numbers. Mr. Ferry stated all in all the financial condition of the Borough is very good. Hopefully 2020 will be better, we will have to see what happens at the end of the year from the effects of COVID. Mr. Ferry referred to page 65, the tax collection rate, commenting the tax levy is creeping up which is caused by tax delinquencies, this isn't a good trend. Mr. Ferry explained possible scenarios that could help get properties back on a tax paying basis. Mr. Ferry also commented on debt services. The total net debt has a 3 year average of equalized value of .50 percent; statutorily municipalities are allowed to go up to 3.5 percent. The net debt number is \$2,062,000 which represents your general capital bond anticipation notes. Water/sewer debt is not included in that number because it is considered self-liquidating. This year [2020] the Borough paid off \$116,000 of our water/sewer BANS (Bond anticipation notes).

Mr. Ferry commented there are 2 comments of recommendations, one is segregation of duties which is like most of his towns in Sussex County. Mr. Ferry explained segregation of duties. Generally accepted "Government Auditing Standards" requires me to make you aware of the lack of segregation of duties. The other comment is about encumbrances. Mr. Ferry explained encumbrance systems. What is happening is some departments are purchasing without putting in an encumbrance first. The encumbrance system is set up because we do a budget and we don't want to go over the budget. What needs to happen is departments must get approvals prior to the actual purchases in order to keep from over expending. This issue has been addressed with Administrator Bonanno who has already informed those departments of the proper procedures that need to be followed.

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Proclamation Recognizing former Mayor Raymond J. Hyde

Mayor Sowden requested Mr. Hyde's nephew, Mr. Snyder to read the proclamation recognizing former Mayor Raymond J. Hyde.

Mr. Snyder read the following proclamation.



Mayor Sowden commented Mr. Hyde is a remarkable man, and at 105 years God bless him.

Mr. Snyder commented Ray is the oldest of his three siblings who have all passed. Mr. Snyder reminisced about how sharp his mind was in his late 80's early 90's and he still is at 105. It is extraordinary to be a person to have the life of 105 years old.

Mayor Sowden commented he applauds him and his family for the support they gave to Franklin in the early years.

## MAYOR & COUNCIL MEETING MINUTES AUGUST 18, 2020

### COMMITTEE REPORTS

Mr. Postas had nothing to report.

Mr. Snyder reported the Personnel Committee had a meeting last week, some of the items discussed are on the regular and consent agenda this evening.

Mr. Formica reported the Finance Committee met and continued discussing options for next year.

Mr. Skellenger thanked the Recreation Committee and Mr. Formica for taking the lead on planning a 9/11 Memorial celebration since hearing NYC would be cancelling theirs. Formal invites should be going out next week. Mr. Skellenger reported movie night is Friday night, sponsored by Brick N Brew at 8:00PM, the movie is Jumanji. For those attending we remind everyone to wear masks if not able to maintain a 6 foot distance.

Mr. Zydon reported the Ordinance Committee met last Friday evening. We worked on the fence ordinance and the RV ordinance. The information has been sent to Mr. Ursin for processing into the proper format.

Ms. Bonanno had nothing to report.

Clerk Tremont had nothing to report.

Mr. Ursin had nothing to report.

Mayor Sowden requested a discussion on the possibility of transferring a property on Susquehanna Street to Habitat for Humanity. Mayor Sowden commented the house has been abandoned for many years and needs a lot of work. Ken Landrud, president of the Sussex County Habitat for Humanity has contacted him and even after discussion on the condition of the house he still expressed interest in it. Mr. Ursin has reviewed some of the completed projects done by Habitat for Humanity and has found them to be very honorable. Mayor Sowden also commented this project could help the Borough with our COAH obligations and supports this request. He would like to have Mr. Ursin prepare the paperwork for the next Council meeting to deed them the house so they can rebuild it. Mayor Sowden requested if the Council had any objections or questions.

Ms. Bonanno shared pictures of the house with the Council.

Mr. Zydon asked if the house is structurally sound.

Mayor Sowden commented Mr. Landrud believes it is sound, the house will be inspected as work progresses. They (Habitat for Humanity) have done other houses in Franklin that turned out great.

The Council had no objections with moving forward.

### OPEN PUBLIC SESSION

Mayor Sowden directed anyone who wished to address the Governing Body to use either the "raise your hand" or dial \*9 option to join.

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

Matt Walters, 6-8 Corkhill Road, Apt. 2, Franklin was granted permission to join the meeting after raising his hand. Mr. Walters commented on the dangers of crossing Corkhill Road from Maple Road towards the Police Station and asked if a crosswalk could be placed there. Mr. Walters also commented on how loud it is when trucks use their "jake brakes" while traveling on Corkhill Road and requested if something can be done about them.

Mayor Sowden commented he will have the Public Safety Committee research the issues he brought forward tonight.

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Mr. Landrud, Habitat for Humanity raised his hand. There was a technical problem and Mr. Landrud wasn't able to join the public session portion of the meeting.

Ann DeGrezia, 6-8 Corkhill Road, Apt. 3, Franklin was granted permission to join the meeting after raising her hand. Ms. DeGrezia commented she also has the same concerns that Mr. Walters spoke about on the dangers of crossing Corkhill Road. Ms. DeGrezia also commented if the location of the mailboxes for the tenants living in the same building as she does can be moved to the same side of the street that her building is on. Her building is located at the corner of Maple Road and Corkhill Road and they all must cross Corkhill Road to get their mail.

Mayor Sowden commented he will have to research what can be done.

Robert Ernst, Franklin Band President, 6 Oak Street, Franklin was granted permission to join the meeting after raising his hand. Mr. Ernst thanked Mr. Formica for helping our band to find a way to continue our rehearsals in a safe location outdoors at the Franklin Pond. Mr. Ernst commented we are promoting our good name by continuing our on-line presence through YouTube and Facebook. Mr. Ernst thanked everyone for their help and support, including Mayor Sowden for recording the introduction to their first ever summer concert. It has helped us to participate in other community band events such as one in Florida where they invite bands from all over the Country to participate and we are the only band from New Jersey to do so.

Mayor Sowden thanked Mr. Ernst for all their hard work and the concerts they provide.

There being no one else present who wished to address the Governing Body, Mr. Postas made a motion to close the meeting to the public, seconded by Mr. Formica. 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. Town of Newton resolution requesting the County of Sussex to Provide a separate taxation to municipalities that utilize the Sussex County Dispatch services.
2. Letter dated July 21, 2020 from Colleen Little, Deputy Clerk, to Advanced Veterinarian Care requesting their services for the rabies clinic to be held in November.
3. Sparta Township Ordinance 20-09 amending section 18-5.3j entitled "fire protection systems" and section 18-5.3K entitled "central water facilities" of chapter XVIII entitled "Comprehensive land management code" of the Sparta Township code to modify their provisions.

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

1. Registrar Report – April – June 2020
2. County Board of Health Report – May 2020
3. County Board of Health Report – June 2020
4. COH Report – July 2020
5. Construction Report – July 2020
6. Construction Permit Activity – July 2020
7. Municipal Court Report – July 2020
8. Police Department Report – July 2020

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

1. None filed.

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

## MAYOR & COUNCIL MEETING MINUTES AUGUST 18, 2020

1. Resolution 2020-53  
Approval to adopt resolution 2020-53 appointing Deborah Bonanno, as Fund Commissioner for the Local Unit calendar year 2020 and Darlene Tremont, as Alternate Fund Commissioner for the Local Unit calendar year 2020.
2. Resolution #2020-54  
Approval to adopt resolution 2020-54 authorizing in-rem foreclosure proceedings (2018).
3. Resolution #2020-55  
Approval to adopt resolution 2020-55 authorizing to join New Jersey Sustainable Energy Joint Meeting.
4. Resolution #2020-56  
Approval to adopt resolution 2020-56 authorizing a flexible spending account contract.
5. Payment of bills for the meeting of August 18, 2020.

Mr. Postas made a motion to approve the consent agenda of August 18, 2020. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

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 July 21, 2020. (Absent: Snyder) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: Limon Abstentions: Snyder

#### Resolution 2020-57 Certifying review of the 2019 Audit

Mr. Snyder made a motion to adopt resolution 2020-57 certifying the Franklin Borough Governing Body has reviewed the 2019 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5. (Corrective Action Plan 2019 Audit Report attached) Seconded by Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

#### Resolution #2020-58

Mr. Zydon made a motion to adopt resolution 2020-58 authorizing submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse Grant for Fiscal Grant Cycle 2021. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

#### Resolution #2020-59

Mr. Snyder made a motion to adopt resolution 2020-59 establishing salaries for certain employees of Franklin Borough for the year 2020. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

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Resolution #2020-60

Mr. Postas made a motion to adopt resolution 2020-60 awarding Tilcon through the Morris County Co-op contract #6 - road resurfacing of various roads not to exceed \$70,000. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Resolution #2020-61

Mr. Skellenger made a motion to adopt resolution 2020-61 authorizing the award of a non-fair and open contract to Quikteks for IT computer support to the Borough Hall and the Franklin Police Department in the amount of \$1960/month and technology upgrades to the Borough Hall and the Franklin Police Department in the amount of \$29,652. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Resolution #2020-62

Mr. Formica made a motion to adopt resolution 2020-62 awarding a professional services contract for Environmental Consulting Services for Franklin Borough to Joseph Norton, LSRP of the firm French & Parrello Associates in the not to exceed amount of \$15,000. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Resolution #2020-63

Mr. Formica made a motion to authorize the award of contract to AWT Environmental services, Inc. for removal of soil berm used by Franklin Borough Police Department for an amount not to exceed \$25,000. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Adoption of Ordinance #06-2020

Mr. Postas made a motion to adopt ordinance 06-2020 entitled "BOND ORDINANCE APPROPRIATING \$476,480, AND AUTHORIZING THE ISSUANCE OF \$286,406 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY". Seconded by Mr. Formica.

**Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 06-2020.**

Mr. Postas made a motion to open to the public ordinance 06-2020. Seconded by Mr. Snyder. All were in favor.

No one from the public raised their hand.

Mr. Postas made a motion to close to the public ordinance 06-2020. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

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### Adoption of Ordinance #07-2020

Mr. Skellenger made a motion to amend ordinance 07-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE AUCTION OF PUBLIC PROPERTIES OWNED BY THE BOROUGH AND NO LONGER REQUIRED FOR PUBLIC USE" to remove lot 5 [Corkhill rear parcel] and the Sterling Hill Road lot [Block 601, Lot 34].  
Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 07-2020.**

Mr. Skellenger made a motion to open to the public ordinance 07-2020. Seconded by Mr. Formica. All were in favor.

No one from the public raised their hand.

Mr. Skellenger made a motion to close to the public ordinance 07-2020. Seconded by Mr. Formica. All were in favor.

Mr. Skellenger made a motion to adopt ordinance 07-2020. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### Introduction of Ordinance #08-2020

Mr. Zydon made a motion to introduce ordinance 08-2020 entitled "A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE FRANKLIN BOROUGH FIRE DEPARTMENT FROM THE CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$13,500. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: Limon Abstentions: Snyder

**Public Hearing will be held on September 8, 2020.**

### Introduction of Ordinance #09-2020

Mr. Postas made a motion to introduce ordinance 09-2020 entitled "A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE APPROPRIATION OF CAPITAL FOR THE REHABILITATION OF THE MCCANN STREET SEWER LINE. Seconded by Mr. Skellenger.

**Public Hearing will be held on September 8, 2020.**

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

## **ADDENDUM**

### Adoption of Ordinance #05-2020

Mr. Zydon made a motion to adopt ordinance 05-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 161-24 REGARDING FENCES". (tabled from the June 23, 2020, meeting) Seconded by Mr. Skellenger.

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Mr. Ursin commented this ordinance is under discussion regarding proposed changes to multiple sections that will be coming and presented at the next meeting. Mr. Ursin recommended not to open to the public ordinance 05-2020 and to vote no on the adoption of ordinance 05-2020.

Upon roll call vote:

Ayes: None

Nays: Formica, Postas, Skellenger, Snyder, Zydon

Absent: Limon Abstentions: None

**Motion Failed**

Resolution #2020-64

Mr. Formica made a motion to adopt resolution 2020-64 opposing the exclusive use of mail-in ballots for the general election in November, 2020. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**EXECUTIVE SESSION**

There was no executive session for this meeting.

**OPEN PUBLIC SESSION II**

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

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

**MISCELLANEOUS COMMENTS**

Mr. Snyder requested a moment of silence for Mrs. Roberts and Fireman Brian Maniss who passed away this past week.

A moment of silence was observed.

Mayor Sowden commented our thoughts and prayers are with their family and friends.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zydon made a motion to adjourn the meeting at 8:16p.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