

**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
NOVEMBER 24, 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.

Councilmen Limon and Snyder used a phone-in link from the website.

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. Limon, Mr. Postas, Mr. Skellenger, Mr. Snyder and Mayor Sowden.

Absent: Mr. Zydor

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

There were no presentations scheduled for this evening.

COMMITTEE REPORTS

Mr. Postas reported the Mitchell Avenue repaving has been completed. There are catch basin transitions that might be a problem; he is going to ask Tom Knutelsky and Brian VanDenBroek to look at them. Mr. Postas asked Debbie Bonanno if she had a status update on the McCann Street sewer work, at this time the mark outs may be out dated and may need to be called in again.

Mr. Limon had nothing to report.

Mr. Skellenger reported the tree lighting will be held at the pond this Saturday, November 28, 2020 at 5:00PM.

Mr. Formica reported the plans are set for building the playground, the company has been chosen and everyone is in agreement to the designs. It is still in the early stages and we will be looking into possible grant opportunities.

Mayor Sowden commented that caution should be taken when doing the foundation work because of debris in the ground.

Mr. Snyder reported in the last 2 weeks we have interviewed 5 Municipal Court Judges to fill the position on January 1, 2021. The Ordinance Committee met 2 weeks ago, Debbie Card, Zoning Officer was present and updated the committee on different projects happening on Route 23, that we will hopefully see in 2021. We are working on an ordinance for restricting the sale and cultivation/manufacturing of marijuana in Franklin Borough and also a Solar Ordinance. The committee spoke about amendments to the fence ordinance that is on the agenda tonight. Lastly, we discussed a recommended a zone change for the Littell Center from R1 Zone to an Industrial Zone.

Clerk Tremont had nothing to report.

Administrator Bonanno had nothing to report.

John Ursin had nothing to report.

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Mayor Sowden reported he has spoken to NJDEP Rails to Trails program and was informed that one of our key contacts for Sussex County and Franklin Borough, Mr. Osborne is retiring soon. We are working on making the connections with all the key people that will be replacing him to keep this project moving forward. In the area of 94 coming in from Monroe and parts of the edge of Franklin into Hardyston there has been some prepping of the railroad bed to get ready for excavation work for the line that will run into Franklin. That project seems to be progressing well. Mayor Sowden commented he hasn't had a chance to look at Mitchell Avenue but Mr. Postas will stay on top of the issues with the drains. Mayor Sowden also announced a NJDOT notification letter he received regarding funding for a paving project.

Mr. Postas clarified we received a \$125,000 grant from NJDOT for the Evans Street repaving project that should take place in 2022. The Scott Road repaving will be done in 2021 utilizing most of the Borough's road refurbishment funds.

OPEN PUBLIC SESSION

Mr. Snyder 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.

Mr. Ian Sherwood, 193 Corkhill Road, Franklin was granted permission to join the meeting after raising his hand. Mr. Sherwood commented for the past few years he has been having problems with Braen Quarry. One problem is a water issue. The water comes from the mountain on Corkhill Road, across the road and onto my property causing flooding issues. When I call them, they do send a representative, Bill Gervins to inspect the situation via various methods. I've been told they [Braen Quarry] will help but things have now come to a standstill. I am working on building a wedding venue in one of my barns and quarry blasting has now caused cracks in my newly poured concrete floor. Mr. Sherwood asked if there is anything the town can do to help him or to offer a direction he can go in to address the problems.

Mr. Ursin commented Mr. Sherwood is doing everything correctly although this is a difficult situation it is a neighbor dispute that should be pursued. Mr. Sherwood may want to contact an attorney. The only way the town would get involved is if Braen Quarry is violating a site plan that is causing the issues. If the town wants to consider that we can ask our engineer check to see if any violations exist.

Mr. Sherwood also commented the blasting has also caused him to have to replace his well pumps numerous times in the past 10 years which might be a cause for concern to the town regarding the Borough's water supply.

There being no one else present who wished to address the Governing Body, Mr. Snyder made a motion to close the meeting to the public, seconded by Mr. Skellenger. 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. Sussex County Board of Chosen Freeholder resolution to oppose pro-abortion/pro sex trafficking S-3030/A-4848.
2. Sussex County Board of Chosen Freeholder resolution preliminary adoption of the site specific amendment to the Sussex County Wastewater Management Plan for JCM Investors 1012, LLC also known as "Milly's Court," Block 2701, Lot 2 in the Borough of Franklin, County of Sussex and State of New Jersey.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report – October 2020
2. Police Department Report – October 2020

APPLICATIONS (APPROVAL OF THE FOLLOWING):

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1. Application for clothing bins for American Recycling Resources, Sunset Avenue, D13, Ocean, NJ to be located at Franklin Borough Park behind Police Department expires August 31, 2021.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution #2020-86
Approval to adopt resolution 2020-86 adopting a domestic violence policy.
2. Payment of bills for the meeting of November 24, 2020.

Mr. Postas made a motion to approve the consent agenda of November 24, 2020. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Postas made a motion to approve the regular meeting minutes for November 10, 2020. (Absent: None) Seconded Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

Hillside Estates Mobile Home Park License Renewal

Mr. Skellenger made a motion to approve the renewal of the 2021 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

Adoption of Ordinance #12-2020

Mr. Formica made a motion to adopt ordinance 12-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 161-24 REGARDING FENCES". Seconded by Mr. Skellenger.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 12-2020.

Mr. Formica made a motion to open to the public ordinance 12-2020. Seconded by Mr. Skellenger. All were in favor.

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 12-2020. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

Adoption of Ordinance #15-2020

Mr. Skellenger made a motion to adopt ordinance 15-2020 entitled "ORDINANCE OF THE FRANKLIN BOROUGH COUNCIL AMENDING THE CODE OF THE

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BOROUGH OF FRANKLIN CHAPTER 56, REGARDING NEPOTISM". 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 15-2020.

Mr. Skellenger made a motion to open to the public ordinance 15-2020. Seconded by Mr. Postas. All were in favor.

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 15-2020. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

DPW Salary Step Increase

Mr. Postas made a motion to approve a DPW salary step increase for Andrew Burd to Grade Step 4 \$21.59/hr., effective December 1, 2020 as per the DPW contract, as recommended by Brian VanDenBroek, DPW Director and Deborah Bonanno, Administrator/CFO. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

DPW Salary Step Increase

Mr. Postas made a motion to approve a DPW salary step increase for Jesse Bogart to Grade Step 6 \$23.94/hr., effective December 1, 2020 as per the DPW contract, as recommended by Brian VanDenBroek, DPW Director and Deborah Bonanno, Administrator/CFO. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

Discussion of Pandemic Related Outdoor Seating Authorization for Restaurants

At this time there was a discussion of pandemic related outdoor seating authorization for restaurants.

Mr. Postas commented we [the council] should extend the authorization for another 30 days with the current circumstances as they are and for those businesses that have put out a lot of money to heat their outdoor dining areas.

Mr. Skellenger asked if we could authorize this for longer than 30 days.

Mr. Ursin commented it is possible but state regulations are changing and with weather changing there are more issues with zoning, building and fire codes, etc., ultimately it is really the Council's decision. Mr. Ursin recommended to extend it the 30 days to see if the zoning officer has any comments that would be helpful to the Council in giving her guidance or making rules or regulations.

Mr. Skellenger made a motion to extend the outdoor seating authorization for restaurants to the first business meeting, January 12, 2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon Abstentions: None

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ADDENDUM

Approval for Liquor License COVID-19 Expansion of Premises Permits

Mr. Skellenger made a motion to approve the following COVID-19 Expansion of Premises Permit application for the following Liquor License. Seconded by Mr. Postas.

Muckraker Beermaker LLC LL#3404-11-843-001 12 Cork Hill Road

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: Zydon 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.

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. Formica. All were in favor.

MISCELLANEOUS COMMENTS

Mayor Sowden commented the Franklin Board of Health with the help of DPW held the rabies clinic on November 7, 2020 at the Borough garage. It was very successful and went very well. Mayor Sowden thanked the Board of Health volunteers, DPW employees and volunteer Mrs. Fitzgerald for their dedication and helping keep everyone safe.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Postas made a motion to adjourn the meeting at 7:43p.m., seconded by Mr. Snyder. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk