

**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
APRIL 13, 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 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. Snyder, Mr. Zydon and Mayor Sowden.

Absent: Mr. Skellenger

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

Oath of Office – Eric Moschberger

Mayor Sowden recognized Police Chief Gregory Cugliari.

Chief Gregory Cugliari stepped forward and explained the police hiring process and introduced new hire Franklin Police Department Patrolman Eric Moschberger.

Mrs. Tremont administered the Oath of Office to Eric Moschberger, Franklin Police Department Patrolman.

COMMITTEE REPORTS

Mr. Postas had nothing to report.

Mr. Snyder reported Lisa Smith is retiring in July. An ad will need to be posted for the position as soon as possible. Resumes and interviews are taking place now for the DPW position. Also, the DPW contract and Police contract negotiations are in progress.

Mr. Limon reported there was a Public Works meeting on March 31, 2021 at 7:00PM. We discussed winter paving, salt related issues and an FSC leak detection using a high frequency microphone showing an increase in water loss. Both pumps and pipes were scrubbed and cleaned in wells A and B improving the water flow to 100 gallons per minute and the rehab of the other well has started again. Hydro-flushing is on-going this month. The roads that will need re-paving this year are Auché Dr., Taylor Rd., McCann St., Ginter St., Lozaw Rd., Hillside Ave., Scott Rd. and Evans St. We are looking in the capital plan for the water tank logo and funding. Lastly, Brian [VanDenBroek] is looking into a radio reader for meters.

Mr. Formica reported on the pond rendering he sent to Council and asked if any members had anything they'd like to add or change before sending out. Mr. Formica asked if any Council Members had any objections to moving the location of the playground. A memorial bench donated has been received and will be installed. Mr. Formica commented on ordinance items for the pond area; boats with electric motors and changing the fishing at the pond to "catch and release". Mr. Formica asked if some residents who can't participate in the Girl Scouts Town-Wide Garage Sale at their residents be allowed to set up along the road to the entrance to the pond.

The Council had no objections to any requested items.

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Mayor Sowden asked if costs are being explored for the fencing around the playground.

Mr. Formica commented he is working on getting the costs.

Mr. Zydon had nothing to report.

Mayor Sowden reported he did a Rails to Trails hike with State officials. We were excited to see that people are using some of the trail lines in various areas. There are some items that will need to be discussed such as care of the trails, etc. Mayor Sowden commented he will keep everyone updated on the progress.

Administrator Bonanno reported the Finance Committee has had meetings and we are scheduling the introduction of the [2021] budget at the next Council meeting.

Clerk Tremont had nothing to report.

Mr. Ursin reported the Borough received two checks from JCM Investors pertaining to the settlement requirements.

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. NJDEP Recycling Tonnage Grant Payout for Sussex County Municipalities for the year 2018.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex County Board of Health Report – February 2021
2. Construction Permit Activity Report – March 2021
3. Construction Report – March 2021
4. Franklin Municipal Court Report – March 2021

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution #2021-29
Approval to adopt resolution 2021-29 Place to Place Transfer Extension of Premises for LL #1906-32-013-008, Franklin 897, LLC (Shop Rite Liquors).
2. Payment of bills for the meeting of April 13, 2021.

Mr. Postas made a motion to approve the consent agenda of April 13, 2021. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Snyder made a motion to approve the regular meeting minutes and executive session meeting minutes for March 23, 2021. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

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Resolution #2021-30

Mr. Formica made a motion to adopt resolution 2021-30 authorizing submission of a Strategic Plan, grant for fiscal year FY2022, for the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2022. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

Resolution #2021-31

Mr. Postas made a motion to adopt resolution 2021-31 authorizing the Tax Collector to refund Patrick J. Kalafut, in the amount of \$1,775.49 for an overpayment of taxes. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

Resolution #2021-32

Mr. Zydon made a motion to adopt resolution 2021-32 authorizing the Tax Collector to refund Daniel R. Baisley, Jr., in the amount of \$512.21 for an overpayment of taxes. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

Resolution #2021-33

Mr. Postas made a motion to adopt resolution 2021-33 to approve utilizing of the three (3) year average method in computing the Borough's interest on investment revenue anticipation for budget year 2021. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

Resolution #2021-34

Mr. Zydon made a motion to adopt resolution 2021-34 to approve utilizing of the three (3) year average method in computing the Borough's Municipal Court revenue anticipation for budget year 2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

Adoption of Ordinance #05-2021

Mr. Postas made a motion to adopt ordinance 05-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 119 OF THE BOROUGH CODE ENTITLED "FEES"." Seconded by Mr. Zydon.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 05-2021.

Mr. Zydon made a motion to open to the public ordinance 05-2021. Seconded by Mr. Postas. All were in favor.

Mr. Louis Ponce, 128 Main Street, Franklin stepped forward. Mr. Ponce commented the fees are excessive and he would like to see the fees lowered. The \$150 parking fee would cause a hardship to his tenants.

Patti Carnes, 289 Rutherford Avenue, Franklin stepped forward. Ms. Carnes stated she is here speaking as a resident, not as a representative of any committee she's associated with. Ms. Carnes commented charging residents who don't have any

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other place to park isn't right. Most parking impacted is overnight parking. Ms. Carnes asked if the Borough knows how much it will cost to pave and stripe the parking lot and have any previous funds received been put aside for maintenance. The fees are excessive to go from \$0 to \$150 is a lot to ask for.

Administrator Bonanno directed anyone on Zoom who wished to address the Governing Body on ordinance 05-2021 to raise their hand.

No one from the public raised their hand.

Mr. Postas made a motion to close to the public ordinance 05-2021. Seconded by Mr. Zydon. All were in favor.

Mr. Snyder commented this has been reviewed for a while. These fees have been lowered from what was originally presented. Fees were never charged and they should have been. Times have changed and we need to proceed for the future.

Mr. Zydon explained parking ordinance 259-2 related to various types of parking allowed and restricted on Main Street. The Borough is providing parking that will include guaranteed spots and the balance will be used for the businesses.

Mr. Postas commented on problems with tenants who live above businesses parking their cars in front of those businesses for extended periods of time making it difficult for others who may want to access those businesses. Research has been done on other paid parking lots in the County and Franklin will be the cheapest.

Mr. Postas made a motion to re-open to the public ordinance 05-2021. Seconded by Mr. Formica. All were in favor.

Mr. Louis Ponce, 128 Main Street, Franklin stepped forward. Mr. Ponce commented on the parking issues during the winter months when overnight street parking is prohibited, that is when most residents are affected. Mr. Ponce suggested lowering the fee to \$75.

Mr. Postas made a motion to again close to the public ordinance 05-2021. Seconded by Mr. Zydon. All were in favor.

Upon roll call vote:

Ayes: Postas, Snyder, Zydon

Nays: Formica, Limon Absent: Skellenger Abstentions: None

Approval of NJ State Firemen's Association Membership Application

Mr. Zydon made a motion to approve the application for membership of Ronald C. Babcock, 422 Route 23, Franklin, to the Franklin Fire Department as endorsed by Kyle Conklin, Franklin Fire Department Chief. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Zydon

Nays: None Absent: Skellenger Abstentions: Limon, Snyder

Zoning Officer request

Mr. Formica made a motion to authorize the Zoning Officer to exempt/waive the sign fee for the town wide garage sale sponsored by the Girl Scouts to be held on April 24, 2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: Skellenger Abstentions: None

EXECUTIVE SESSION

There was no executive session.

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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. Formica. All were in favor.

Patti Carnes, 289 Rutherford Ave., Franklin stepped forward. Ms. Carnes commented she doesn't support the re-opening of the north end of Rutherford Avenue. There has to be other ways to look at for emergency purposes. It would be too dangerous.

Mr. Snyder commented he agrees with the potential speeds of cars coming off of Route 23 onto Rutherford Avenue, that's why we closed it when we did. Mr. Snyder suggested to keep it as is.

Mayor Sowden commented we will continue to research this issue with engineers, get public input and come up with a viable solution.

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

No one from the public raised their hand.

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.

MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Postas made a motion to adjourn the meeting at 7:44 p.m., seconded by Mr. Snyder. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk