

**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  
MARCH 14, 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 (via ZOOM), Mrs. Heath, Mr. Limon (via ZOOM), Mr. Postas, Mr. Skellenger, Mr. Snyder and Mayor Sowden.

Absent: None

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**

Cynthia Barton addressed the governing body regarding retail cannabis. Ms. Barton spoke about her history and growing up in Sussex County. She spoke about the businesses that she has opened and that her Vape Shop has been open for 9 years. Ms. Barton commented that she has knowledge of CBD and would like to get the support of the Council to open a retail cannabis establishment. Ms. Barton provided educational pamphlets to the Mayor and Council. Ms. Barton commented that a conditional license can be obtained for approximately 4 months but you need a location. There are other towns that have changed their opinions on retail cannabis.

Mayor Sowden commented that this will be brought back to the ordinance committee to discuss and a letter will be sent with the decision.

**COMMITTEE REPORTS**

Mr. Limon commented that there was a finance meeting last week.

Mr. Postas had nothing to report.

Mr. Snyder commented that the finance committee met with the new temporary CFO and discussed the budget. Mr. Snyder commented that he received a call from JR Giacchi and he asked if we have any questions regarding the school budget to contact him. There was a personnel committee meeting and we discussed the staffing in the Department of Public Works.

Mr. Formica commented that the ordinance committee met and discussed a couple of things. The kayak launch was ordered and we should expect delivery sometime in May.

Mr. Skellenger thanked Mrs. Heath for addressing the concerns with the Police Department regarding Junction Street and making it a 4-way stop. Mr. Skellenger spoke to the police department and they support making Junction Street/Main Street intersection a 4-way stop. He spoke to Mr. Ursin and he suggested that the engineer write a memo in support as well.

Mrs. Heath had nothing to report.

Mrs. Tremont commented to date we have not received any lifeguard applications.

Mr. Ursin had nothing to report,

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Mayor Sowden commented that he is looking to form an ad-hoc committee to be able to meet with the school board.

**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.

Donna Arrigo asked what the start date is for the painting of the water tank.

Joanne Tatka asked if the second highest bidder took ownership of the house at 35 Fowler Street. She asked about the work being done on the theater building work and the Miner's Cove water sewer connection application. She asked if Ascend needs to apply for a license annually and what the difference is between class 1 cultivation and class 2 manufacturing. Ms. Tatka also asked how much taxes does Ascend pay to Franklin.

Mr. Ursin commented there are new regulations from the Cannabis Commission that requires Ascend to update their resolution of support from the municipality.

Mayor Sowden commented Ascend pays approximately 2% of their gross sales.

Aramis Torres asked the Council to be open minded regarding the allowance of retail cannabis.

Pat Barton spoke regarding the sale of his property (Munson House) to Ascend. The problems they are having with their Route 23 property.

Michael Raperto asked which way the ordinance committee was leaning for cannabis.

There being no one else present or on Zoom who wished to address the Governing Body, Mr. Postas 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. Resolution from the Borough of Sussex supporting RevolutionNJ.
2. Resolution from Hamburg Borough supporting designating "Franklinite" as the official mineral of the State of New Jersey.

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

1. DPW Report – February 6 – February 10
2. DPW Report – February 13 – February 17
3. DPW Report – February 20 – February 24
4. Construction Permit Activity Report – February 2023
5. Permit List – February 2023

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

1. None filed.

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

1. Payment of bills for the meeting of March 14, 2023.

Mr. Postas made a motion to approve the consent agenda of March 14, 2023 with the removal of PO 36159. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

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

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Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Snyder

Nays: None Absent: None Abstentions: Skellenger

**OLD BUSINESS**

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

**NEW BUSINESS**

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes and executive session meeting minutes for February 28, 2023. (Absent: Postas) Seconded by Mrs. Heath

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: None Abstentions: Postas

Resolution #2023-44

Mrs. Heath made a motion to adopt resolution 2023-44 to authorize compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Under Title VII of the civil Rights Act of 1964". Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Resolution #2023-45

Mr. Skellenger made a motion to adopt resolution 2023-45 to authorize continued support of the location and operation of an adult-use cannabis cultivation and manufacturing facility by Ascend New Jersey, LLC. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 03-2023

Mr. Limon made a motion to adopt ordinance 03-2023 entitled "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". 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 03-2023. Mr. Skellenger made a motion to open to the public ordinance 03-2023, seconded by Mrs. Heath. 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 03-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Water/Sewer Connection Application

Mr. Postas made a motion to approve the application submitted by Y&J Properties, LLC for a 12 EDU residential multi townhome dwelling at 16 Main Street contingent upon receipt of associated connection fees. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

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Cub Scout Pack 90 Request

Mrs. Heath made a motion to approve the request from Cub Scout Pack 90 to hold their Annual Soap Box Derby to be held on Saturday, July 8, 2023 from 1:00 p.m. to 4:00 p.m. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Child Abuse Prevention Month Proclamation

Mr. Formica made a motion to adopt the Proclamation proclaiming April as Child Abuse Prevention Month. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Discussion on Imperatore Sussex Partnership, LP Concept Plan for 520 Route 23, Block 104, Lots 1 & 2.

Mr. Ursin explained the process for new applications that go before the planning board. The potential application that is referenced in the letter that is included in your packets went to the technical review committee and apparently received negative feedback. The letter explains their concerns and felt the council should be made aware. The reason this comes before you tonight is to review the comments that are in the letter from the attorney of the applicant but essentially it is to determine, either tonight or after more inquiry at another meeting, whether or not the council has an interest in one of two things. The first is ordinance changes that would be friendly to the concepts in the development or exploring whether or not the area would be an appropriate redevelopment area.

Mr. Formica commented on the TCC meeting regarding this application. Mr. Formica commented that he supports getting more information on this project.

Mr. Postas asked Mr. Ursin his recommendations on moving this forward.

Mr. Ursin commented that a meeting should be set with the planner so that the council can ask questions and get her thoughts.

Mr. Skellenger made a motion to set up a meeting with the planner to explore redevelopment options for this project. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**ADDENDUM**

Resolution #2023-46

Mr. Postas made a motion to adopt resolution 2023-46 to approve a budget transfer in the amount of \$4,740.00. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Approve Special Event Permit Application

Mr. Postas made a motion to approve the special event permit application for Franklin Mineral Museum to conduct a Rock Swap and Sell on April 22, 2023, rain date of April 23, 2023 at the location of 32 Evans Street, Franklin and to authorize the use of the Franklin Pond area for parking as needed. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

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**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mrs. Heath thanked the public for coming.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Postas made a motion to adjourn the meeting at 8:07 p.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