

**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
JULY 18, 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, Mr. Limon, Mr. Postas and Mayor Sowden.

Absent: Mrs. Heath, Mr. Skellenger, Mr. Snyder

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."

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Postas made a motion to adjourn into closed executive session to discuss contract negotiations and financial agreements and potential litigation. Motion seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Limon, Postas

Nays: None Absent: Heath, Skellenger, Snyder Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 7:37 p.m. and Mayor Sowden declared the meeting to be reconvened into open public session.

Mr. Skellenger joined the meeting during executive session at 6:20pm.

Mr. Snyder joined the meeting during executive session at 6:35pm.

Mrs. Heath joined the meeting via ZOOM at 7:37pm.

PRESENTATIONS

There were no presentations for tonight's meeting.

COMMITTEE REPORTS

Mr. Limon commented that a public works meeting will be set up this week.

Mr. Postas commented that Brian and the DPW are working on the drainage to get ready for the paving projects this year. The Hemlock Drive bids will be going out soon and there is a meeting next week with the well driller for the new well project.

Mr. Snyder commented that there was a personnel meeting regarding the Police Chief's contract and the same will be voted on tonight.

Mr. Formica commented that the floor at the senior center has been completed and the floor in the elevator has been replaced. DPW dug a trench and put the piping in for the pavilion lighting.

Mr. Skellenger had nothing to report.

Mrs. Heath commented that the event on July 1st was great.

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Mrs. Tremont had nothing to report.

Mr. Ursin had nothing to report.

Mayor Sowden commented that the Governor will be signing the bill tomorrow (July 19, 2023) to make Franklinite the official state mineral of New Jersey. Mayor Sowden spoke to Mr. Vreeland in regards to the cell tower removal.

OPEN PUBLIC SESSION

Mr. Formica 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.

Sandra Westermann addressed the Governing Body regarding stormwater issues and drainage issues on Maple Road by her property. Ms. Westermann commented that she bought the property in 2017 and there were no issues with flooding until there was pipe worked on in 2021. Ms. Westermann commented that on June 27th the DPW installed a berm at the top of the driveway in accordance with the specifications of the engineer. Ms. Westermann stated that the engineer grossly underestimated the volume of water and the berm was breached within 30 minutes of the first rainfall. Ms. Westermann contacted the NJDEP and they agree that stormwater mediation is needed. The wildcat creek water is not running like it used to.

William Westermann addressed the governing body regarding the need for stormwater management on Maple Road.

Joanne Tatka addressed the governing body regarding the water issues on Maple Road. After repaving Maple Road, they did not put a crown in the center of the road. Ms. Tatka asked if the price on the water tower will stay the same.

Dawne Rowe stepped forward. Ms. Rowe asked how the residents will be notified of road paving. Asked why the taxpayer citizens association cannot use the senior center. Asked for a second public session.

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. Snyder. 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. Hampton Township Ordinance entitled "Liability insurance, business and rental unit owners" with "rental properties and businesses' requirements"

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department Report – June 2023
2. Animal Control Report – January – June 2023
3. Construction Permit Activity Report – June 2023
4. Permit List – June 2023
5. COH Report – June 2023
6. DPW Report – June 5 – June 9
7. DPW Report – June 12 – June 16
8. Municipal Court Report – June 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 18, 2023.

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Mr. Limon made a motion to approve the consent agenda of July 18, 2023. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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 adopt the regular meeting minutes and executive session meeting minutes for June 27, 2023. (Absent: Postas) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: None Abstentions: Postas

Resolution #2023-91

Mr. Snyder made a motion to adopt Resolution 2023-91 to approve certifying the Franklin Borough Governing Body has reviewed the 2022 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Mr. Skellenger.

Mr. Brian Ko, from Nisivoccia, gave an overview of the annual audit. Mr. Ko commented that the current fund balance had a \$227,000 increase and is in good shape. The tax collection rate was 97% and in general capital there is \$5 million in net debt. There are some older ordinances that can be reviewed and cancelled if they are not being used. There was \$366,000 that was paid down in BANS and the capital improvement fund is maintained at around \$161,000 at year end. The water/sewer operating fund is in a healthy position, it increased \$587,000 in fund balance, most of which or \$455,000 is going to be used to support the 2023 budget. Segregation of duties in the audit comments will probably never change.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-92

Mr. Snyder made a motion to adopt Resolution 2023-92 to accept and approve for filing the corrective action plan for the Audit Report year 2022 prepared and filed by the Borough's Chief Financial Officer. (Corrective Action Plan attached) Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-93

Mr. Formica made a motion to adopt Resolution 2023-93 to authorize the award of a required disclosure contract with J&D Sheds in the amount not to exceed \$17,600.00 for the Recreation Committee. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-94

Mr. Skellenger made a motion to adopt Resolution 2023-94 to authorize the Franklin Fire Department to apply to become an eligible organization and appoint an authorized signor. Seconded by Mr. Postas

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Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon

Resolution #2023-95

Mr. Formica made a motion to adopt Resolution 2023-95 to authorize a Postal Meter Lease with Quadient Leasing USA in the amount of \$11,527.80 for the lease period July 1, 2023 until June 30, 2028. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-96

Mr. Postas made a motion to adopt Resolution 2023-96 to authorize a grant application to the New Jersey Department of Transportation for the Catlin Road, Wyker Road & Rowe Place project. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-97

Mr. Limon made a motion to adopt Resolution 2023-97 to authorize extending the grace period for payment of 3rd quarter 2023 taxes. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-98

Mr. Postas made a motion to adopt Resolution 2023-98 to authorize the execution of the New Jersey Department of Environmental Protection Treatment Works approval permit application (TWA-1); Statement of Consent for Block 2401 Lot 21 as requested by AWH Cultivation Facility. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #07-2023

Mr. Formica made a motion to adopt Ordinance 07-203 entitled "AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE, ALLOWING FIRST FLOOR RESIDENTIAL ON SOME LOTS IN THE B-2 ZONE". Seconded by Mr. Postas.

Mr. Formica commented that at the Planning Board meeting last night, there were no objections from the Planning Board.

Mayor Sowden requested a motion to open the meeting to the public for Ordinance 07-2023. Mr. Skellenger made a motion to open to the public Ordinance 07-2023. Seconded by Mr. Limon. 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 07-2023. 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

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Adoption of Ordinance #08-2023

Mr. Formica made a motion to adopt Ordinance 08-2023 "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 119-4 OF THE BOROUGH CODE ENTITLED "GENERAL FEES". Seconded by Mr. Skellenger.

Mayor Sowden requested a motion to open the meeting to the public for Ordinance 08-2023. Mr. Postas made a motion to open to the public Ordinance 08-2023. Seconded by Mr. Formica. 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 08-2023. 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

Police Chief Agreement

Mr. Snyder made a motion to approve the Police Chief Employment agreement between the Borough of Franklin and Police Chief Gregory Cugliari from January 1, 2024 to December 31, 2028. (Agreement provided in Council packets) Seconded by Mr. Skellenger.

Mr. Snyder commented that the salary when the contract starts will be \$169,100 and the ending salary will be \$186,653.65. Mr. Snyder also discussed some of the other negotiated terms of the police chief's contract.

Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Sowden

Nays: Limon, Postas, Snyder Absent: None Abstentions: None

Sewer Connection Application

Mr. Postas made a motion to approve the sewer connection application submitted by Ascend New Jersey LLC for 62 EDU's commercial dwelling at 24 Munsonhurst Road contingent upon receipt of associated connection fees, all directives followed as per Utility Engineer, Michael Vreeland's memo dated July 3, 2023 and his final review. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayoral Appointment

Mayor Sowden made the following appointment.

Planning Board

James T. Affinito Alternate Member II (2-yr. unexpired term) Expires 12/31/2024

Mr. Limon made a motion to confirm the Mayor's appointment. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ADDENDUM

Resolution #2023-99

Mr. Postas made a motion to adopt Resolution 2023-99 to authorize award of a required disclosure contract to Reiner Pump Systems, for a sewer pump in the amount not to exceed \$22,000.00. Seconded by Mr. Snyder.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:22 p.m., seconded by Mr. Postas.

All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk