

**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
DECEMBER 14, 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. Limon, Mr. Postas, Mr. Snyder and Mayor Sowden.

Absent: Mr. Formica, Mr. Skellenger and Mr. Zydon

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

There were no presentations.

COMMITTEE REPORTS

Mr. Limon offered no report.

Mr. Postas offered no report.

Mr. Snyder offered no report.

CFO/Administrator Bernath offered no report.

Clerk Tremont commented that the list of tax sale properties is not required to be posted in the newspaper because the tax sale is being held on line and all properties that are listed on the tax sale can be viewed online.

Mayor Sowden offered no report.

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. Snyder. All were in favor.

Rachel Heath, 7 Hemlock Drive Franklin stepped forward. Mrs. Heath asked about the progress on the CCO ordinance and the Hemlock Drive sidewalks.

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. Limon. 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. Township of Vernon Resolution #21-264 requesting that the Sussex County Board of Commissioners provide equity to those municipalities who provide dispatch services.
2. Township of Sparta Ordinance 21-19 amending Chapter 18 entitled "Zoning" to modify and update section 15-4.5i regarding standby generators.
3. Sussex County Municipal Utilities Authority Resolution re: adoption of schedule of rates, fees and charges for FY2022 with FY2022 rate schedule attached.

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REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report – October 2021
2. Board of Health Report – November 2021
3. Construction Report – November 2021
4. Permit Activity – November 2021
5. COH Report – November 2021
6. Municipal Court Report – November 2021
7. Police Department Report – November 2021

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Approval to adopt resolution 2021-119 appointing Andrew Bernath, as Fund Commissioner for the Local Unit calendar year 2022 and Darlene Tremont, as Alternate Fund Commissioner for the Local Unit calendar year 2022.
2. Payment of bills for the meeting of December 14, 2021.

Mr. Limon made a motion to approve the consent agenda of December 14, 2021. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes for November 23, 2021. (Absent: Zydon, Sowden) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-112

Mr. Postas made a motion to approve resolution 2021-112 authorizing the cancellation of water/sewer charges for the remainder of 2021 for the property located at 35 Fowler St. in the amount of \$3472.00. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-113

Mr. Snyder made a motion to adopt resolution 2021-113, authorizing the Water/Sewer Collector to refund a credit balance of \$60.02 from the water/sewer account for the property located at 19 South Street also known as Block 709 Lot 4. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-114

Mr. Snyder made a motion to adopt resolution 2021-114 to re-appoint Darlene J. Tremont as Municipal Clerk pursuant to the provision of N.J.S.A. 40A:9-133 et seq. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

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Resolution #2021-115

Mr. Snyder made a motion to adopt resolution 2021-115 to appoint Lauren Mitchener as Municipal Court Administrator at the annual salary of \$66,000 effective January 1, 2022. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-116

Mr. Postas made a motion to adopt resolution 2021-116 to re-hire Magret (Maggie) Rodriguez to assist during Municipal Court sessions on a temporary basis at the rate of \$100.00 per court session effective January 1, 2022. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-117

Mr. Postas made a motion to adopt resolution 2021-117 2021 budget transfers in the amount of \$6,000. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Resolution #2021-118

Mr. Limon made a motion to adopt resolution 2021-118 authorizing cancellation of tax sale premiums. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Adoption of Ordinance #14-2021

Mr. Snyder made a motion to adopt ordinance 14-2021 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. Limon.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 14-2021.

Mr. Postas made a motion to open to the public ordinance 14-2021. Seconded by Mr. Limon. All were in favor.

No one from the public stepped forward or raised their hand on zoom.

Mr. Postas made a motion to close to the public ordinance 14-2021. Seconded by Mr. Limon. All were in favor.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydon Abstentions: None

Adoption of Ordinance #15-2021

Mr. Postas made a motion to adopt ordinance 15-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 259-8, SPEED LIMITS amending the ordinance to state 100 feet south of the Borough Garage to Franklin Avenue will be 35mph. Seconded by Mr. Limon.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 15-2021.

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Mr. Limon made a motion to open to the public ordinance 15-2021. Seconded by Mr. Snyder. All were in favor.

Rachel Heath, 7 Hemlock Drive Franklin stepped forward. Mrs. Heath asked why they are only restricting the speed limit to one part of Corkhill Road and not the entire road. Mayor Sowden commented that in the report from the engineer that the other sections of the roadway didn't really declare the speed limit to be dropped down to 25mph.

Mr. Limon made a motion to close to the public ordinance 15-2021. Seconded by Mr. Postas. All were in favor.

Mr. Postas made a motion to adjourn for five minutes at 7:18pm. Seconded by Mr. Limon. All were in favor.

Mr. Limon made a motion to return to public session at 7:23pm. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Postas

Nays: Limon Absent: Formica, Skellenger, Zydou Abstentions: Snyder, Sowden

Motion Failed

Hillside Estates Mobile Home Park License Renewal

Mr. Limon made a motion to approve the renewal of the 2022 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydou Abstentions: None

Shared Service Agreement for Deer Carcass Removal

Mr. Snyder made a motion to approve the Shared Service Agreement through December 31, 2022, between Space Wild Animal Farm Inc. and the Borough of Franklin for deer carcass removal from Municipal road rights-of-way at the rate of \$31.00 per deer. (no increase from 2021) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydou Abstentions: None

Discharge of Mortgage

Mr. Postas made a motion to confirm the Discharge of Mortgage dated September 7, 1999, for Eugene McInerney and Agnes McInerney, 110 Main St., Franklin, in the amount of \$10,000.00. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydou Abstentions: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Snyder made a motion to adjourn into closed executive session to discuss Collective Bargaining Agreement matters. Motion seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydou Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:23p.m. and Mayor Sowden declared the meeting to be reconvened into open public session.

Mr. Postas made a motion to return from executive session. Seconded by Mr. Limon. All were in favor.

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Memorandum of Understanding

Mr. Postas made a motion to table the Memorandum of Understanding (“MOU”) between the Borough of Franklin and the PBA Local 404 to amend the Collective Bargaining Agreement that expired on December 31, 2020 and authorizing the execution of same. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Limon, Postas, Snyder

Nays: None Absent: Formica, Skellenger, Zydou Abstentions: None

MISCELLANEOUS COMMENTS

Mr. Snyder commented that we need to update our Holiday lighting on Main Street and we are in dire need of new furniture in the conference room.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:26p.m., seconded by Mr. Postas.

All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk