

**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 28, 2026**

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: Mrs. Carnes, Mr. Formica, Mrs. Heath, Mr. Limon, 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 11, 2026, and posted on the Borough website, which adequate notice has been certified by the Clerk."

**PRESENTATIONS**

There were no presentations for tonight's meeting.

**COMMITTEE REPORTS**

Mr. Limon commented that there was a Historical meeting and gave an update on Rails to Trails. There will be a public works meeting this week.

Mrs. Carnes had nothing to report.

Mr. Snyder commented that the budget will be on the next agenda for adoption.

Mrs. Heath commented that the Spring Fling was a huge success, thanks to Recreation and everyone that participated. The 2026 Senior of the Year is Michael Krupa who was born and raised in Franklin. She and Neil attended the Salute to the Stars luncheon and the Center for Prevention, Elaine and Mary, received an award for the annual walk that they do. May 13-16 is the Carnival and June 27<sup>th</sup> is Franklinite.

Mr. Skellenger had nothing to report.

Mr. Formica commented that they did meet with the engineer to look at the sinkhole by fireman's park and the engineer suggested that we open the top section a little bit more to allow more fill to get inside of it.

Mrs. Little commented that the Financial Disclosure Statements are due April 30<sup>th</sup> and the next recycling pickup is scheduled for April 29<sup>th</sup>.

Mr. Ursin pointed out that there is an addendum tonight related to the affordable housing.

Mr. Spidaletto had nothing to report.

Mayor Sowden commented that everyone was given a picture of the fluorescent boulder that is on High Street and we have been working with Recreation, they want to install a plaque on there for 9/11. We would like to move the specimen down to the Senior Center by next weekend. Eventually we would like to set up an ultraviolet light on top of it so that the light can come on when someone walks by. This specimen is being donated by Phil Crabb and myself from the High Street property. Mayor Sowden commented that he has had several complaints on the LaRue and Main Streets intersection, there is a dumpster that is on the road. He did some research, thanks to the ladies in the office, that they have a one-foot set back from their building to Larue Street. Mayor Sowden would like to have the Attorney take a look at this.

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Mr. Ursin commented that you cannot allow a dumpster to remain on public property unless there is an agreement. One of two things has to happen either the dumpster has to get relocated because it is located on public property or there are times where a municipality can grant a right to have something there, he would not suggest granting it in an easement because that is permanent. Typically, we do a revocable license so that someone takes responsibility for the thing being located on municipal property and if the town ever needs the right of way back in the future you can revoke the license. The Council could decide which direction to go but now that it has been identified, there are two options either serve notice that it has to be removed out of the public right of way or work on an agreement to allow it to stay there but the option of doing nothing is now off the table.

Mayor Sowden commented the landlord says that people just go by and put garbage out in front of it who are not tenants of the building.

Mr. Ursin commented that unless the Council wants to move in a different direction the move is probably to have the Administrator have the Zoning Officer issue a notice that the dumpster has to be removed.

Mayor Sowden commented that the Historical Society wants to be move the ore car that is located on Main Street next to the Edison School House/Hungarian Church.

### **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.

Joanne Tatka stepped forward. Mrs. Tatka commented that the dumpster on LaRue has been a complaint for a long time. At the last meeting, it was stated that money could not be put into the budget for rails to trails, why would that be.

Mayor Sowden commented because we do not have enough money to budget for it.

Mrs. Tatka asked if Habitat of Humanity was working on the school church on Main Street.

Mayor Sowden commented they are working on it.

Mr. Ursin commented that the agreement should be on the next agenda.

Mrs. Tatka asked if they were doing it at their expense.

Mayor Sowden commented that it will be done at the expense of Habitat for Humanity.

Mrs. Tatka commented that she has never heard any discussion on it; she only heard at the meeting that they presented it and that they wanted to do something. How are they going to do it; are they going to do it to the way you want to have it, historically looking, or an everyday siding.

Mr. Ursin commented that they will be the owners.

Mrs. Tatka commented that they can do what they want with it.

Mr Ursin commented yes and in the proposed agreement they are supposed to make their best efforts to respect some historical qualities and appearance.

Mrs. Tatka commented that the well drilling was temporarily postponed; did they have an area where they were interested in starting to drill.

Mayor Sowden commented that they were going to drill behind the old A&P.

Mrs. Tatka commented that the Method Dioses sold the Franklin House and asked if that is back on the tax rolls in Franklin.

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Mayor Sowden commented that we are looking into that.

Mrs. Tatka asked that with the rent stabilization being repealed does that mean; did you sort of have control over the rent for the trailer park.

Mr. Ursin commented that the way the law used to be is individual municipalities could put caps on rent at trailer parks; the new law is that the state is going to put the caps on so they basically took the towns out of the regulation theoretically to make it more consistent in regions and statewide but the state is now taking the responsibility for what the caps are.

There being no one else present who wished to address the Governing Body, Mr. Skellenger made a motion to close the meeting to the public, seconded by Mrs. Heath. 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 Sparta Ordinance 26-09 entitled “AN ORDINANCE OF THE TOWNSHIP OF SPARTA, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO AMEND CHAPTER 18 ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” BY AMENDING SECTION 18-4.8 “DISTRICTS” BY THE ADDITION OF NEW ZONE “TOWN CENTER INCLUSIONARY HOUSING 2 (TCIH-2)”, BY ADDING SECTION 18-4.39 ENTITLED “TOWN CENTER INCLUSIONARY HOUSING 2 (TCIH-2)”, AND BY AMENDING THE ZONING MAP TO SHOW THE NEW ZONE BOUNDARIES FOR BLOCK 5024, LOT 10.
2. Township of Sparta Ordinance 26-10 entitled “ AN ORDINANCE OF THE TOWNSHIP OF SPARTA, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO AMEND CHAPTER 18 ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” BY AMENDING SECTION 18-4.8 “DISTRICTS” BY THE ADDITION OF NEW ZONE “TOWN CENTER INCLUSIONARY HOUSING 2 (TCIH-1)”, BY ADDING SECTION 18-4.38 ENTITLED “TOWN CENTER INCLUSIONARY HOUSING 2 (TCIH-1)”, BY AMENDING THE ZONING MAP TO SHOW THE NEW ZONE BOUNDARIES FOR A PORTION OF BLOCK 10002, LOT 61, AND BY AMENDING SECTION 18-4.28 FOR THE EXISTING TOWN CENTER PROFESSIONAL BUSINESS (TCPB) ZONE TO REMOVE CERTAIN PERMITTED USES.
3. Township of Sparta Legal Notice for public hearing and adoption of Amended Fourth Round Housing Element and Fair Share Plan.
4. 1<sup>st</sup> quarter 2026 Sewage flows.
5. Final Equalization Table.

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

1. Water/Sewer Division Report – March 2026

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

1. Application to operate a Tattoo Parlor in the Borough of Franklin located at 418 Rte. 23N, trade name Moonlight Tattoo LLC.

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

1. Payment of bills for the meeting of April 28, 2026.

Mr. Formica made a motion to approve the consent agenda of April 28, 2026. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Carnes, Formica, Heath, Limon, Snyder

Nays: None Absent: None Abstentions: Skellenger

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**OLD BUSINESS**

**ADDENDUM**

**Resolution #2026-49**

Mr. Formica made a motion to adopt Resolution 2026-49 endorsing the Amended Housing Element and Fair Share Plan and related settlement agreement. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**NEW BUSINESS**

**Approval of the Minutes**

Mr. Limon made a motion to approve the regular meeting minutes for April 14, 2026. (Absent: None) Seconded by Mrs. Carnes.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Adoption of Ordinance 06-2026**

Mr. Snyder made a motion to adopt Ordinance 06-2026 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 194-1, FEES". Seconded by Mr. Skellenger.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for ordinance 06-2026. Mr. Formica made a motion to open the meeting to the public for Ordinance 06-2026, seconded by Mr. Skellenger. All were in favor.

There being no one present who wished to address the Governing Body, Mr. Formica made a motion to close the meeting to the public for Ordinance 06-2026, seconded by Mr. Snyder. All were in favor

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Adoption of Ordinance 07-2026**

Mr. Skellenger made a motion to adopt Ordinance 07-2026 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REPEALING SECTIONS 176-15 THROUGH 176-39". Seconded by Mr. Formica.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for ordinance 07-2026. Mr. Formica made a motion to open the meeting to the public for Ordinance 07-2026, seconded by Mr. Skellenger. All were in favor.

There being no one present who wished to address the Governing Body, Mr. Formica made a motion to close the meeting to the public for Ordinance 07-2026, seconded by Mr. Skellenger. All were in favor

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Approval of Junior Membership Application**

Mr. Formica made a motion to approve the application for junior membership of X'Zavier Rosario as member to the Franklin Fire Department as endorsed by Corey Houghtaling, Franklin Fire Department Chief. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Carnes, Formica, Heath, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon

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### Personnel Matter – Appeal

Mr. Ursin commented that tonight on the agenda you have an appeal from a personnel action that has been filed by an employee of the Borough. When an employee disagrees with a final personnel action, they have the right to appeal it to the Borough Council. Mr. Ursin commented that he just wants to make sure that Ms. Brush understands completely. Ms. Brush has filed an application for an appeal of a personnel matter; normally personnel matters are not made public normally personnel matters are handled confidentially. And in this case, this matter could be discussed by the town council in closed session and then the discussion does not become part of the public record but it's your option and you have made the choice that you want this to be discussed here in open session.

Ms. Brush commented that is correct and she understands that it is being recorded and will be part of the public record.

Ms. Suzann Brush stepped forward. Ms. Brush read the following statement:

Good evening and thank you for the opportunity to speak. I will present my statement and welcome any questions following its conclusion.

I am here to respectfully provide context regarding my termination on April 16, 2026, and to ensure that the facts are clearly and accurately understood in relation to the Borough's Employee Discipline Policy and workplace practices.

I have served the Borough since 2021 in multiple roles, most recently as Deputy Court Administrator for the shared municipal court. Throughout my employment, I maintained professional relationships with staff, administration, and the judiciary. I was never subject to disciplinary action, warnings, or performance concerns.

Prior to the incident in question, the court office functioned in a cooperative and professional manner. Following a professional disagreement regarding a court-related matter, there was a noticeable shift in communication and workplace dynamics.

The incident leading to my termination involved \$20 from the court cash bag. I acknowledge that I used the funds; however, I did so with the understanding that I had permission and that this action was consistent with how similar situations were handled within an environment where informal practices existed without clearly defined procedures. At the time, I documented the transaction with an IOU note and placed it with the cash bag.

When I later realized the funds had not yet been replaced, I accepted responsibility for that oversight. At no time did I intend to misuse funds, act dishonestly, or retain money.

The characterization that I took municipal funds without authorization does not fully reflect the context. This was not misconduct, but a breakdown in communication and process within an environment where expectations were not clearly defined or consistently applied.

Equally concerning is the process that led to my termination.

I was not informed that an investigation was taking place, was not asked to provide my account, and was not given an opportunity to respond prior to the decision. I was also not made aware of internal memoranda dated April 8 or April 13 before that decision was made.

Based on the information available to me, it appears the decision to terminate was made shortly after the April 13 memorandum without a complete review of the facts or input from me.

Upon reviewing the Borough's Employee Discipline Policy, while general expectations are outlined, there is no clearly defined procedure addressing the specific handling of funds in the manner at issue. There was no clearly

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communicated or consistently enforced standard indicating that my actions would result in termination.

The policy further states that progressive discipline will be used when appropriate. This was an isolated incident, and I had no prior disciplinary history. I was not provided with a warning, corrective guidance, or an opportunity to address the issue through lesser disciplinary measures.

Additionally, the policy provides that an employee shall be given written notice of charges and a reasonable opportunity to respond prior to disciplinary action. I was not afforded that opportunity.

I also continued performing my duties during scheduled court sessions after the dates of the memoranda. My interactions with the judges remained consistent with my prior service, with no indication of concern or request for clarification. This suggests the matter was not treated as urgent or severe in the context of court operations.

I understand that conversations may have occurred with the judiciary and the Administrative Office of the Courts; however, this was ultimately a Borough-level decision.

Throughout my employment, I acted with professionalism and integrity. I had no prior disciplinary issues and maintained a positive performance record.

I am not here to assign blame. I am here to ensure that full and accurate context is considered.

This situation reflects a misunderstanding within a broader issue of unclear procedures and inconsistent communication—not intentional wrongdoing.

Given the circumstances, the absence of prior discipline, and the policy's guidance on progressive corrective measures, I respectfully submit that the level of discipline imposed was disproportionate.

I respectfully request that the Council review the circumstances surrounding my termination, including the process followed, the application of policy, and the full context presented here.

Thank you for your time and consideration.

Mr. Ursin commented that the Council can discuss this now and if they have questions, we will call you back up to the microphone. Mr. Ursin commented that he is relatively certain that in the last 15 years you have not had an appeal of a personnel matter that came forward in this procedure. The Council is certainly free to ask questions of himself or the Administrator and you certainly are entitled to ask questions of Ms. Brush. Mr. Ursin commented that this is a very unfortunate incident in the respect that this is not a lot of money, this is \$20 at issue. From the Administrations point of view there was no thought of taking this in another direction but the Borough's position is relatively simple and that is that the misappropriation of funds whether for a couple weeks or permanent almost of any dollar amount is a very bright line offense and it's a bright line offense that transcends progressive discipline. Most offenses in the employment sector and the way your personnel manual is set up it is intended that there be warnings and increased levels of discipline in order to try to give employees second chances but the feeling of the Borough, Mr. Ursin is expressing the Administration side, is that the mishandling/misappropriation of funds, whether it's for a day, two weeks or not paid back, becomes really almost irrelevant because there can't be any rational thought that its permissible to take money out of a Borough cash bag and use it for your own purposes. It's a shame that it really was a relatively nominal amount of money but the bright line is the bright line and so the Council can independently think about this and express its opinions, asks questions and talk about. The usual restrictions on talking about personnel matters in a public setting are lifted and then when you have an opinion someone can make a motion to grant an appeal meaning to overturn the

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personnel action or to deny the appeal meaning that the personnel action is upheld. Mr. Ursin commented that this is an uncomfortable setting for the Council because you are normally instructed very forcefully to respect the privacy, rights and confidentiality of employees so to discuss something like in the open record is uncomfortable and if you don't have any questions that's OK because Ms. Brush did provide very detailed timeline of her position and expressed herself here so if the Council has questions or comments you can make them, you can have a debate or there can simply be a motion to grant the appeal or deny the appeal.

Mr. Snyder commented that he has been on the Council for 23 years and he has never heard an appeal hearing in the public. It makes it very uncomfortable for ourselves and the person that is being heard.

Mr. Limon commented that he has never heard the term bright line offense and asked for an explanation for the record.

Mr. Ursin commented that you could use a lot of different phrases there but he is trying to illustrate that there are certain lines that if you cross them there is no coming back from them. For example, if we found that among employees there was a pushing and shoving match, we have to really examine all the facts and figure out who did what and figure out whether someone should be disciplined and there would be some consideration there but if we found out conclusively that an employee punched another employee and knocked them out that is a line you can't come back from. Mr. Ursin is using that as an analogy in the same way that if somebody had made an accounting error or an error in math or didn't do a report correctly there's a lot of discussion about that back and forth but actually taking cash that belongs to the Borough and using it for your own purposes, he's suggesting that it is in the similar level that you can't come back from in the respect that it will create a permanent trust issue with respect to the handling of money. Mr. Ursin is expressing that as the reason that the action was taken for the termination; that doesn't mean that it has to be the Council's conclusion.

Mrs. Heath commented so basically if it's \$1 or \$100,000 it's the same offense.

Mr. Ursin commented to some degree yes; to a different degree, anytime that money is misappropriated you could technically get in to whether or not that could be a crime. If it was \$100,000 the Borough would not be dealing with this. Because it is relatively a small amount of money the Borough dealt with it as a personnel matter and did refer it further.

Mrs. Heath commented that according to the timeline, the money was taken and not replaced for quite a while.

Mr. Ursin commented and prompted to be replaced.

Mrs. Heath asked Ms. Brush when the money was borrowed, what was the date.

Ms. Brush commented that she does not recall; it was a very casual moment in the office with my supervisor. I needed the \$20 and I kinda was like oh my god I forgot it and it was hey just use it out of the cash bag; I didn't think twice, used it, put the sticky note on it and put it back in my drawer and unfortunately I forgot about it and I will own that part, I did forget that I put the note on the bag. But as soon as I was made aware of that I returned it, actually I returned it April 1<sup>st</sup>.

Mr. Ursin commented and that's at the heart of the problem is that the issue is not necessarily when it was paid back or if it was paid back; it's black and white illegal to take Borough money for your own purposes.

Mayor Sowden asked if we would have to do a motion or how do we go next.

Mr. Ursin commented that most things we do before the Council are parliamentary meaning there has to be a motion and a second this is presented as an affirmative question to the Council. So as an affirmative question to the Council, Ms. Brush has asked to appeal the employment action, we could also simple take a vote on the

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appeal and when you are ready to vote, the Clerk will take the vote and yes will be to grant the appeal and send the matter back to administration and no will be to deny the appeal.

Ms. Brush commented that she was made aware that the judiciary and the assignment judge did review this and their recommendation was additional training through POMCA.

Mrs. Heath asked if the Borough received that.

Mr. Ursin commented no.

Mr. Snyder asked Ms. Brush why she took the \$20.

Ms. Brush commented that she utilized the money to pay back a coworker.

Mr. Snyder commented that didn't you at that time think that you were doing something that you shouldn't be doing.

Ms. Brush commented that she did not second guess her supervisor saying to utilize the money from the bag because I relied on her judgement and I obviously should have questioned that.

Mr. Ursin asked the Clerk to take a vote. A yes vote is to grant the appeal and return it to the administration and no is to deny the appeal.

Upon roll call vote:

Ayes: None

Nays: Carnes, Formica, Heath, Limon, Skellenger, Snyder Absent: None

Abstentions: None

Mr. Ursin commented that the appeal is denied.

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

There were no miscellaneous comments.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 7:55p.m., seconded by Mrs. Heath. All were in favor.

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John M. Sowden IV, Mayor

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Colleen L. Little, Municipal Clerk