

**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  
SEPTEMBER 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. Formica, Mr. Postas, Mr. Skellenger, Mr. Snyder, Mr. Zydon and Mayor Sowden.

Absent: Mr. Limon

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**

Lt. Nevin Mattessich, Franklin Borough Police Department - Body-Worn Camera Program.

Lt. Mattessich stepped forward and presented a video presentation on the Body-Worn Cameras that were purchased. Lt. Mattessich commented this was mandated by Governor Murphy who signed two bills and an executive order requiring all New Jersey law enforcement officers to wear them by June 1, 2021. Lt. Mattessich explained how they work including the features, functions, storage and the case laws for procedures that officers must follow while on shift using the body-worn cameras. Lt. Mattessich passed the camera to Council. Lt. Mattessich commented the Borough purchased 16 cameras including virtual server, storage for video and all licensing fees at the initial cost of \$48,688.93. The Franklin Police Department applied for and received a grant in the amount of \$42,798.00 leaving the Borough with a cost of \$5,890.93. There will be future recurring costs associated with the cameras for protection warranty every 5 years, storage licensing every 3 years and redaction software yearly.

Mr. Snyder asked how the officer is sure the camera is working. Lt. Mattessich commented the officers do a check of all equipment at the beginning of each of their shifts.

Mr. Zydon asked about cloud storage. Lt. Mattessich commented we aren't using cloud storage right now; it is too expensive. Currently, we have physical hardware storage that is backed up. We must follow a retention schedule that determines how long a video is kept in storage. We will be monitoring the amount of storage used to determine future needs, it will depend on the type of cases and how many cases we incur in a given period.

Emily Bazelwich, 1 Mill Street, Franklin commented on the possible addition of cameras at the 3 main intersections in Franklin Borough.

Dawne Rowe, 140 Munsonhurst Road, Franklin asked for clarification of the recurring costs.

No one on Zoom had any questions.

**COMMITTEE REPORTS**

Mr. Skellenger thanked everyone on the Recreation Committee for holding the 9/11 memorial ceremony on Saturday, it was very well attended.

Mr. Postas had nothing to report.

Mr. Snyder reported the Personnel Committee met discussing several issues regarding the resolutions that are on the agenda tonight.

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Mr. Formica reported the final playground inspection was on Friday and all went well. The signs should be here by the end of this week. We will be scheduling a ribbon cutting ceremony with all the sponsors to thank everyone. We are working on scheduling a Buildings and Grounds meeting.

Mr. Zydor had nothing to report.

Clerk Tremont reported the on-line vehicle auction is underway and concludes tomorrow at 3:00PM and reminded everyone there will be a special school election on September 28, 2021, polls open at 6:00AM and close at 8:00PM.

Mr. McBriar, Borough Attorney had nothing to report.

Mayor Sowden reported Patti Carnes, EDC Chair has resigned her position. Mayor Sowden requested an all in favor to accept the resignation. All were in favor. Mayor Sowden commented the Phoenix Consulting Group has received 14 applications to fill the Administrator/CFO position. They are reviewing each application and will provide us their recommendations to move forward with interviews. All applicants have expressed interest in both positions. Mr. Snyder asked when the interviews might take place, we need to move forward without delay. Mayor Sowden commented he would like to start interviews as early as next week.

### **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. Skellenger. All were in favor.

Dawne Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe commented on Resolution 2021-86 opposing cuts in State school aid; noticing Franklin Borough wasn't on the list. Ms. Rowe asked if that was because Franklin received an increase. Mayor Sowden commented yes. Ms. Rowe also commented on Federal aid and questioned if population decrease is tied into it. Mr. Zydor referred Ms. Rowe to the School Board for answers.

Emily Bazelewich, 1 Mill Street, Franklin stepped forward. Ms. Bazelewich commented on behalf of the residents of 1 Mill Street, that there is a very bad blind spot at the corner of Mill Street and Sterling Street. Ms. Bazelewich asked if it would be possible to install a traffic mirror at that corner. Mayor Sowden commented he will bring it up when he meets with the traffic safety officer next month.

Mr. Felix, 9 Pippin Lane, Hamburg stepped forward. Mr. Felix introduced himself, his mother, father and Maria DeDios as one of the owners of their new business Coyote Concina Mexicana restaurant that is opening on Route 23 in Franklin. Mr. Felix invited the Mayor and Council to the grand opening once it's scheduled.

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. Notice from Georgianne Diehl and Mark Hamilton notifying property owners within 200 feet of 36 Wildcat Road of a public hearing that will take place on September 20, 2021.
2. Letter dated September 3, 2021 from Colleen Little to Advanced Veterinarian Care requesting their services for the upcoming rabies clinic.

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

1. Municipal Court Report – July 2021
2. Saint Clare's EMS response times – July 2021

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3. Construction Permit Activity Report – July 2021
4. Construction Report – July 2021
5. COH Report – July 2021
6. Construction Permit Activity Report – August 2021
7. Construction Report – August 2021
8. COH Report – August 2021
9. Police Department Report – August 2021

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

1. None filed.

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

1. Payment of bills for the meeting of September 14, 2021.

Mr. Zydon made a motion to approve the consent agenda of September 14, 2021. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### **OLD BUSINESS**

Mayor Sowden commented he and the Council have been very concerned about power outages happening along Maple Road, Susquehanna Street and Davis Road. We [Mayor and Council] have received some technical information from Jackie Espinoza, JCP&L regarding some of the issues and invited Ms. Espinoza to speak in reference to that tonight.

Jackie Espinoza, JCP&L stepped forward. Ms. Espinoza thanked the Council for bringing the issue to her attention; stating this issue is unacceptable. JCP&L will be placing new equipment with smart technology known as trip savers. This equipment will help to correct the situation in that area. Ms. Espinoza explained how the new equipment works which gives them [JCP&L] intelligence on how to rectify situations when they occur. Ms. Espinoza commented on resolution 2021-87, it's addressing tropical storm Isaias a storm level 5, 90% of the customers were affected by it. When a potential storm is coming, we partner with Sherriff Strada's Office of Emergency Management also attending local OEM meetings and if he activates, we staff someone in the area for the entire storm. We are all in contact with each other from the beginning to the end, the safety of everyone is most important to us. There is mutual assistance and Sussex County OEM's plan is a great plan. Ms. Espinoza hoped the Council agreed and reconsider that [passing resolution 2021-87]. Ms. Espinoza invited any member of the Council to take a tour at our control center.

Mr. Skellenger asked how many sections are related to Franklin Borough.

Mr. Zydon commented it's the small storm outages that is the concern. Ms. Espinoza commented on causes such as lightning strikes, trees and animals that take out power.

Mr. Postas commented customers don't have faith in JCP&L restoring their power and that needs to be corrected. Ms. Espinoza commented she isn't happy about that and strongly believes the trip savers will help.

Mr. Snyder asked when were trip savers available for use. This situation needs to be corrected. Ms. Espinoza commented a work order for the trip savers has been put in.

Mayor Sowden asked what should customers do who are on oxygen. Ms. Espinoza commented those customers should contact JCP&L directly and register themselves as well as informing their local OEM.

### **NEW BUSINESS**

#### Approval of Meeting Minutes

- a. Mr. Skellenger made a motion to approve the regular meeting minutes for August 17, 2021. (Absent: Postas) Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: Postas

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- b. Mr. Skellenger made a motion to approve the special meeting minutes for August 27, 2021. (Absent: Limon, Postas, Zydon) Seconded by Mr. Formica

Upon roll call vote:

Ayes: Formica, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Postas, Zydon

**Mayoral Appointment**

Mayor Sowden made the following appointment.

**Recreation Committee**

Barbara Castania Member (3-yr. unexpired term) expires 12/31/2023

Mr. Skellenger made a motion to confirm the Mayoral appointment. Seconded by Mr. Postas. All were in favor.

**Resolution #2021-86**

Mr. Zydon made a motion to adopt resolution 2021-86 opposing cuts in State school aid allocation to Sussex County school districts. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-87**

Mr. Zydon made a motion to adopt resolution 2021-87 requesting Municipalities in New Jersey to join together in a Consortium of Municipalities to help improve JCP&L overall services. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Snyder, Zydon

Nays: Skellenger Absent: Limon Abstentions: None

**Resolution #2021-88**

Mr. Formica made a motion to adopt resolution 2021-88 authorizing an electronic tax sale. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-89**

Mr. Formica made a motion to adopt resolution 2021-89 authorizing the Tax Collector to refund Ricardo Garces in the amount of \$1,901.68. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-90**

Mr. Formica made a motion to adopt resolution 2021-90 person to person, place to place transfer of liquor license 1906-33-004-006 issued to Coyote Cocina Mexicana, LLC for the premises located at 116 Route 23 North, Franklin, NJ 07416. (Application for transfer provided in the Council packets.) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**Resolution #2021-91**

Mr. Snyder made a motion to adopt resolution 2021-91 authorizing custodial services status change for Frederick Babcock from temporary to permanent

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custodian at the rate of \$16.00 per hour up to an average of 25 hours per week, effective September 16, 2021, as recommended by the Personnel Committee. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### Resolution #2021-92

Mr. Snyder made a motion to adopt resolution 2021-92 authorizing a salary adjustment for Lauren Mitchener at the rate of \$23.00 per hour up to 29 hours a week, effective September 16, 2021, as recommended by the Personnel Committee. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### Resolution #2021-93

Mr. Skellenger made a motion to adopt resolution 2021-93 authorizing Phoenix Consulting Group to continue the DPW and PD contract negotiations not to exceed \$6,000. (Proposal provided in Council packets) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

### Adoption of Ordinance #12-2021

Mr. Formica made a motion to adopt ordinance 12-2021 entitled "AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN TO CREATE A CANNABIS TAX". 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 12-2021.

Mr. Postas made a motion to open to the public ordinance 12-2021. Seconded by Mr. Formica. All were in favor.

Joanne Tatka, 151 Maple Road, Franklin stepped forward. Ms. Tatka questioned if the current cultivators were paying taxes prior to this ordinance and how long they have been in business in Franklin. Ms. Tatka commented on a New Jersey Herald article and if the current business is planning on expanding into the armory building. Mayor Sowden commented no they weren't paying this tax; he isn't sure how long they have been in Franklin but could be as long as 10 years and the Borough has no knowledge at this time if they are planning to expand.

Dawne Rowe, 140 Munsonhurst Road, Franklin, stepped forward. Ms. Rowe asked if Franklin Borough is legally able to charge a tax for one specific type of business. Mr. McBriar commented it is statutorily permitted set by the state.

There being no one else present or on Zoom who wished to address the Governing Body, Mr. Skellenger made a motion to close to the public ordinance 12-2021. Seconded by Mr. Zydon. All were in favor.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Mr. Zydon confirmed the tax rate is 2%.

### Introduction of Ordinance #13-2021

Mr. Postas made a motion to introduce ordinance 13-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V "ZONING," SECTION 161-27(B)

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OF THE BOROUGH CODE AND THE ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE CLASSIFICATION OF BLOCK 2401, LOT 20 FROM "R-1" SINGLE-FAMILY RESIDENTIAL TO "I" INDUSTRIAL". (Planning Board recommendation letter provided in Council packets) Seconded by Mr. Skellenger.

Public Hearing will be held on October 12, 2021.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

DPW Salary Step Increase

Mr. Skellenger made a motion to approve a DPW salary step increase for Andrew Burd to Grade Step 5 \$22.77/hr., as per the DPW contract, effective September 16, 2021 as recommended by Brian VanDenBroek, DPW Director. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

DPW Salary Step Increase

Mr. Skellenger made a motion to approve a DPW salary step increase for Jesse Bogart to Grade Step 7 \$25.20/hr., as per the DPW contract, effective September 16, 2021 as recommended by Brian VanDenBroek, DPW Director. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Discussion on Senior Center

At this time there was a discussion on the Senior Center.

Mayor Sowden commented we need to determine if we want to open the Senior Center to be used by outside groups. A proposal to install a purification system in the Senior Center and the Police Station has been sent to the Council. The County has asked if we have any systems in place to protect the seniors prior to allowing them to start the indoor Senior Lunch Program. Mr. Formica commented he spoke with Christina Marks at the County, they still have COVID money that they can use to pay for the system in the Senior Center only. Mayor Sowden commented this system isn't a guarantee to protect individuals. Mr. Skellenger commented this quote would have to be split in two.

Mayor Sowden commented the Concerned Citizens of Franklin is interested in using the Senior Center for a meet the candidates night on October 7, 2021. There is also the Boy Scouts who want to schedule their meetings there. Clerk Tremont commented Anna [Senior Center] asked if they can start senior bingo once a week again.

Mr. Skellenger made a motion to approve the proposal from Marrocco Cooling & Heating, Inc. to install a purification system in the Senior Center in the amount of \$3,175.00. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Mr. Skellenger made a motion to approve the proposal from Marrocco Cooling & Heating, Inc. to install a purification system in the Franklin Police Department in the amount of \$3,175.00. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

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Mr. Postas made a motion to approve the usage of the Senior Center again until after the purification system units are installed. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

Mayor Sowden commented if the purification systems aren't installed prior to our next meeting, we will discuss this again at that time.

**Discussion on Medical Insurance Waiver**

At this time there was a discussion on Medical Insurance Waiver.

Mr. McBriar explained there was a pending dispute pertaining to a stipend due to a prior employee. We have received additional updates today and with that information it is possible to vote on the matter this evening.

Mr. Skellenger made a motion authorizing payment in the amount \$1,250.00 plus required administrative fees if any to resolve that claim. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: Limon Abstentions: None

**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. Postas made a motion to adjourn the meeting at 8:43 p.m., seconded by Mr. Zydon. All were in favor.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk