

**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
JANUARY 14, 2020**

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, Mr. Skellenger, Mr. Snyder, Mr. Zydon 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 4, 2019, 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. Snyder made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Postas
All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 7:08 p.m. and Mayor Sowden declared the meeting to be reconvened into open public session.

Mayor Sowden informed the public that roll call, flag salute and the Open Public Meetings Act compliance statement were covered prior to going into executive session.

Mr. Postas made a motion to return from executive session. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

PRESENTATIONS

There were no presentations.

COMMITTEE REPORTS

Mr. Limon reported the Public Utilities meeting will be held on Monday at 7:00PM in Borough Hall.

Mr. Postas reported he had a phone conference with the grant writer, she is working on USDA funding for the Franklin Meadows water tower rehabilitation, including possible grant funding for the engineering and grant funding application fees. Other grants she is looking into is for the playground. Brian VanDenBroek updated him on the well rehabilitation. When the camera was put in, sediment was found; it was removed and the water must now be treated prior to putting the well pump back in place. They will continue to camera the well to confirm no other remediation is needed.

Mr. Snyder reported Corby Associates came to look at our playground equipment. They found some equipment will need inspections along with the playground in its' entirety. On the agenda tonight is a proposal from them for the work that may be needed. There may need to be additional work done in phases that could be a significant cost to the Borough. We will be looking to get proposals for those

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expenditures in the future. The Borough could possibly use the Millie Harden money for that.

Mr. Ursin reported on the Mr. Moss lawsuit filed against the Borough making objections to issues concerning zoning and the JCM development. The Council, he believes has been advised of the decision from the judge dismissing the lawsuit completely, none of the 9 counts were found to have merit.

Mr. Formica had nothing to report.

Mr. Skellenger reported there should be a Public Safety meeting next week and the Recreation Committee will be meeting at 7:30PM on Thursday.

Mr. Zydon reported on the administrative review evaluation sheets sent to the Council and reminded them they are due back to the clerk by the end of the month. There will be an Ordinance Committee meeting on Tuesday, January 21, 2020.

Mayor Sowden reported on a meeting with a division of NJDEP, known as SHIPO, Historic Preservation. There were a core group of people that came to it, we are very excited and they (NJDEP) seem very positive about it. As it progresses, hopefully it will bring interest to more and more people.

Mr. Snyder informed the Council and the public at this time the playground is closed and will remain closed until all inspections are complete and repairs are made.

OPEN PUBLIC SESSION

Mr. Zydon 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 she is here relaying issues that the group called "Concerned Citizens for a better Franklin" have with conditions of sidewalks, especially on Fowler Street, Evans Street and Church Street. They would like to see them repaired. Ms. Rowe asked if there is a façade ordinance in Franklin that protects our older buildings.

Roger Ziegler, 1 Hemlock Drive, Franklin stepped forward. Mr. Ziegler commented on the 2nd amendment resolution that is on the agenda this evening.

Mr. Ursin explained the resolution adoption process.

Mr. Ziegler commented he is concerned with some of the items in the resolution as written, going over each paragraph. This resolution doesn't state his views, it should state it is being passed by the Governing Body not the Borough as a whole and encouraged the Council to do the right thing.

There being no one else present who wished to address the Governing Body, Mr. Zydon 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.

Mr. Skellenger requested to have check number 50256 removed from the consent agenda and vote on it separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Lafayette Township Resolution #2019-50 calling for study commission to review the Open Public Records Act.
2. Lafayette Township Resolution #2019-51 in support of New Jersey Legislation which concerns vegetation management (S2505/A2558- "Vegetation Management Response Act"), urging Legislators to pass the Bill for Vegetation Management related to Electric Utility Infrastructure.

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3. Letter dated December 2019 from Jennifer Gorini, Paulus, Sokolowski and Sartor, LLC to Municipal Clerk re: Multi-Permit Application for JCP&L vegetative maintenance, utility infrastructure maintenance, repair and replacement activities, 235 Municipalities, 13 Counties, New Jersey.
4. Email dated December 23, 2019, from Reenee Casapulla, Recycling Coordinator/Safety Officer, SCMUA to Deputy Clerk re: 2017 Recycling Grant Awards.
5. Borough of Hamburg Resolution #2020-19 declaring Borough of Hamburg a Second Amendment Borough.
6. Letter dated January 7, 2020, from Aimee Zschack, Franklin Borough BOH President to Mrs. Jill Helmstetter, re: resignation effective January 1, 2020.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Franklin Registrar Report for October 2019 – December 2019
2. Construction Permit Activity Report – December 2019
3. Construction Report – December 2019
4. COH Report – December 2019
5. Police Department Reports – December 2019
6. Municipal Court Report – December 2019

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 14, 2019.

Mr. Limon made a motion to approve the consent agenda with the removal of check number 50256 of January 14, 2020. Seconded by Mr. Skellenger.

Mayor Sowden recognized the resignation letter from Jill Helmstetter and asked to have a letter sent to her thanking her for her 9 years of service and declaring Ms. Helmstetter a “Franklin Home Town Hero”.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Postas made a motion to accept check number 50256 on the bills list of January 14, 2020. Seconded by Mr. Zydon.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Snyder, Zydon

Nays: None Absent: None Abstentions: Skellenger

OLD BUSINESS

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

NEW BUSINESS

Approval of Meeting Minutes

Mr. Limon made a motion to approve the regular meeting minutes and executive session meeting minutes for December 17, 2019. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Limon, Postas, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: Formica

Mr. Limon made a motion to approve the reorganization meeting minutes for January 1, 2020. (Absent: None) Seconded by Mr. Zydon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Resolution #2020-12

Mr. Formica made a motion to adopt Resolution #2020-12 authorizing compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964". Seconded by Mr. Postas

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-13

Mr. Formica read resolution #2020-13 in its entirety.

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
DECLARING SUPPORT FOR
SECOND AMENDMENT RIGHTS**

WHEREAS, the Constitution of the United States of America is the supreme law of our nation; and

WHEREAS, the Second Amendment to the Constitution states, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed";

WHEREAS, the U.S. Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and

WHEREAS, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and

WHEREAS, New Jersey already has many laws and regulations restricting gun ownership possession and use that potentially infringe on citizens' Second Amendment rights; and

WHEREAS, the Borough believes that further regulation, including misapplied and misused "red flag" laws, violates the Second Amendment and the rights of gun owners.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, State of New Jersey, as follows:

The Mayor and Council declares Borough of Franklin to be a Second Amendment/Lawful Gun Owner Borough as defined herein:

- a. The Borough of Franklin supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.
- b. The Borough of Franklin opposes further interference with, or abridging of, the rights of lawful gun owners.

Mayor Sowden requested to amend paragraph 6 of resolution #2020-13 to read: "WHEREAS, the "Borough Council" believes that further regulation, including misapplied and misused "red flag" laws, violates the Second Amendment and the rights of gun owners."

Mr. Formica made a motion to amend as requested and adopt resolution #2020-13 Franklin Borough declaring support for second amendment rights. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-14

Mr. Formica made a motion to adopt resolution #2020-14 to approve the coin toss Fundraisers for the Franklin Fire Department for the year 2020 on February 1st and 2nd, May 16th and 17th, August 1st and 2nd, and November 21st and 22nd. Seconded by Mr. Postas.

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Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Congregate Nutrition Program Shared Services Agreement

Mr. Limon made a motion to approve the Shared Service Agreement between the County of Sussex and the Borough of Franklin for the Franklin Congregate Nutrition Programs from January 1, 2020 to December 31, 2020 in the amount of \$27,700.00. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Temporary Part Time Finance Clerk Hire

Mr. Limon made a motion to approve the hire of Pamela Crum as temporary part time finance clerk, \$25/hr. for up to 15 hours/wk. as needed, effective January 16, 2020, ending date April 16, 2020, as recommended by the Personnel Committee and the Administrator. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discharge of Mortgage

Mr. Limon made a motion to confirm the Discharge of Mortgage dated January 14, 2020, for the Mortgage taken through the Affordable Housing Program dated November 14, 1985, 8 Lehigh Street, Franklin, in the amount of \$7,500. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Application for a Social Affair Permits

Mr. Zydon made a motion to approve the application for a social affair permit submitted by the Franklin Fire Department, premises for the social affair permit is 137 Buckwheat Road, Franklin on January 31, 2020, and authorize the clerk to endorse the application.

Mr. Ursin suggested this application be approved conditioned upon review with ABC on the proper procedure with respect to the fire department. The fire department is in the process of obtaining a Special Concessionaire Permit because the fire house is on municipal property. Mr. Ursin advised using caution when approving permits of these types while in the process for applying for the Concessionaire Permit.

Mr. Postas seconded the motion as originally read.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Discussion on Corby Associates, Inc. Proposal

At this time there was a discussion and a motion to approve the Corby Associates, Inc. proposal in the amount of \$950, for the safety inspection and preventive maintenance program for the Franklin Borough Pond playground equipment. Seconded by Mr. Snyder

Administrator McHose explained the current inspection process for the playground that takes place every year as part of our insurance coverage and also with the Board of Health with regard to the pond area. Neither of those entities are certified in playground equipment. The proposal from Corby Associates, Inc., that the Council is considering is certified on all safety aspects of the equipment. It came to our attention while surveying the playground area with the inspector for placement of

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the new equipment we received through the grant from Forward Franklin Alliance, some parts on other equipment were found to be in need of attention and suggested a full inspection of the area.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on Equity Environmental Engineering, LLC Proposal

At this time there was a discussion on the approval of the Equity Environmental Engineering, LLC proposal for Environmental & LSRP Services.

Mr. Ursin commented the Council is already aware of the agreement the Borough has with the gun club. The police department uses includes a requirement that an environmental assessment be done and a clean up of the existing berm. The project will be in two parts, clean up the existing berm and the possible construction of a berm in the future that will be easier to maintain and renew. Mr. Ursin recommended to table this tonight, it isn't urgent, given the cold weather and the ground is frozen. There are other proposals still coming in that could save the Borough some money.

Mr. Skellenger made a motion to table the approval of the Equity Environmental Engineering, LLC proposal. Seconded Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION II

Mr. Skellenger made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Postas. All were in favor.

Roger Ziegler, 1 Hemlock Drive, Franklin stepped forward. Mr. Ziegler thanked the Mayor for amending resolution #2020-13.

There being no one else present who wished to address the Governing Body, Mr. Zydon made a motion to close the meeting to the public, seconded by Mr. Limon.

Upon roll call vote:

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

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 7:45p.m., seconded by Mr. Zydon. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk