

**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  
MAY 26, 2020**

This meeting is being held through a virtual meeting platform called ZOOM. The public has been notified and instructed on how to join the meeting and participate during the public session.

Councilman Limon and Snyder used a phone-in link from the website.

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 5, 2020, and posted on the Borough website, which adequate notice has been certified by the Clerk."

### **PRESENTATIONS**

There were no presentations this evening.

### **COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Postas reported milling should be starting the first week of June on the 3 roads [Newton St., Paddock Rd., Susquehanna St.] discussed last year for paving; the paving should start approximately 2 weeks after. The grant work has been sent to NJDOT for Mitchell Avenue, once we get a response back from them, we will be able to start the bidding process for the paving.

Mayor Sowden commented on communication and possible funding short falls this year with NJDOT.

Mr. Formica reported the air-rater was installed today, the weed treatment has been completed, the dock is going to be delivered tomorrow, the flag pole at the war memorial on Main Street was painted and LED lights should be installed soon on Buckwheat Road. Also, there has been work activity at the playground, removing some equipment. At our Building and Grounds meeting we discussed the possible removal of the Community Garden. It is overgrown and hasn't had any activity in a few years. It can always be replaced if there is interest in it again. Mr. Formica commented this might be a good time to take another look at options for the glider placement.

Mr. Skellenger commented on tonight's addendum regarding the recommendation from the Recreation Committee to the Mayor and Council to waive the beach fees for this year.

Mr. Zydon reported there was a discussion at our Ordinance Committee meeting on a possible sod ordinance and then bringing up what can be done about historic preservation and realizing that would essentially encompass that item. The Zoning Officer asked about permits and non-profits. Mr. Zydon commented he suggested looking into choosing a design era style for the community.

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Administrator McHose reported she and Debbie Bonanno have had discussions with the Mayor and Borough employees regarding staffing. Starting June 1, 2020, the staff will return five days a week, from 8am – 4pm, staggering their schedule to continue to reduce contact in areas where employees are in close proximity of each other and we will remain closed to the public. There is a lot of work going on with the pond as Councilman Formica mentioned. She had a conference call with the County Department of Health discussing some of the details on opening the swim area. There will be a subcommittee meeting and more will be announced soon.

Ms. Bonanno reported she is still working on the budget and continuing to monitor the State announcements and fiscal information to make sure that we can make any necessary adjustments to the budget. She has been in contact with our professionals including our outside Auditor. She has had some meetings on shared services with surrounding towns and tomorrow will be attending a webinar with Brian VanDenBroek on IWorks, a work order management system that we hope to implement next year.

Mr. Snyder reported the Personnel Committee will be working on updating the employee handbook on some of the issues that have come up.

Mr. Ursin had nothing to report.

Mayor Sowden commented he, the Council and the entire town would like to thank Mr. Todd Tavaris owner of Westwind Hall for putting together the food drive at the Littell Center along with the help from the Samaritan Inn and others I'm sure. They gave out approximately 30 bags of food. The State will be selling the building so that will probably be our last event at the Littell Center and it is a fitting tribute. Mayor Sowden commented on 2 letters he sent to the Council for review. One was about a letter to support the Sussex County Chamber letter that was sent to the Governor urging him to open up businesses. Mayor Sowden asked the Council if they read the letter and would agree with sending it to the Governor. The Council unanimously agreed to have the Clerk send the letter to Governor Murphy. The second letter is to be sent to NJDEP regarding the support from Franklin Borough for the SCMUA waterline project that will be coming into Franklin Borough through Newton Street and also expressing our interest on another aspect that could benefit Franklin Borough directly which is the Green Acres sponsored Rails-to-Trails initiative that would utilize the former Lackawanna-Franklin Branch railroad bed from Franklin to the Paulinskill Rail-to-Trail in Lafayette. Mayor Sowden requested if the Council had any objections to sending this letter to NJDEP. The Council unanimously agreed to have the Clerk send the letter to NJDEP.

Mayor Sowden also commented he has spoken to a knowledgeable gentleman, Hector Acevedo who is very interested in becoming involved with the Emergency Management Council. He is a representative of JCP&L and is capable of helping the Borough with various weather related events such as power outages.

Administrator McHose commented she would like to suggest to have herself removed from the Local Emergency Management Council and have the Mayor appoint Deborah Bonanno in her place.

Mr. Limon questioned the changes to the Local Emergency Management Council.

Mayor Sowden commented these changes are to improve the Emergency Council. This person has a lot of knowledge and experience dealing with power that can benefit Franklin Borough.

Mr. Skellenger commented Mr. Acevedo has already helped the Borough with weather related issues we've had. He will be a great asset to us.

Mayor Sowden made the following appointments to the Local Emergency Management Council:

Hector Acevedo	Member	expires 12/31/2020
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Deborah Bonanno                      Member                      expires 12/31/2020

Mr. Skellenger made a motion to confirm the Mayor's appointment of Hector Acevedo as member to the Local Emergency Management Council. Seconded by Mr. Formica. All were in favor.

Mr. Skellenger made a motion to confirm the Mayor's appointment replacing Administrator McHose with Deborah Bonanno as member to the Local Emergency Management Council. Seconded by Mr. Postas. All were in favor.

Clerk Tremont commented she had a conference call today with the County Board of Elections. They informed her that the Primary Election will be a primarily a vote by mail process. There will be only one polling location in most municipalities in Sussex County. The location for Franklin Borough will be the Senior Center because it is better equipped for handicap accessibility. There will be one electronic voting machine on site to accommodate those voters who are handicapped visually impaired. Other voters that may show up to the polling location will only be able to vote by provisional ballot. The vote by mail ballots will be sent out to voters by the County Board of Elections. Primary Election Day is now July 7, 2020 and ballots will be counted from June 8, 2020 through July 14, 2020.

**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. Sussex County Board of Taxation Resolution #05062020-2 re: establishing the percentage of 100% as the ratio of assessed value to true value of real property within Sussex County.
2. Final Equalization Table for the County of Sussex for the Year 2020.
3. Township of Byram Mayor Alexander Rubenstein letter to Governor Murphy in support of the Sussex County Chamber of Commerce letter encouraging the opening up of businesses.

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

1. None filed

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

1. None filed.

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

1. Resolution #2020-34  
Adoption of resolution 2020-34 Modifying the Employee Handbook Regarding Evaluations. (Removed and voted on separately)
2. Payment of bills for the meeting of May 26, 2020.

Mr. Postas made a motion to approve the consent agenda of May 26, 2020, with the removal of Resolution 2020-34 and have that voted on that separately. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution #2020-34**

Mr. Postas commented this resolution as written is limiting the Council as to who can evaluate department heads. He believes it shouldn't be limited to just the committee chairs who are involved with the department head, each Council member should have the opportunity to give them a review.

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Mr. Formica agreed with Mr. Postas and stated as a whole the Council hires, makes decisions on contract renewals and they should also have the opportunity to have a say in the [department head] evaluations.

Administrator McHose commented on the past practices of reviews and the handling of them.

Mr. Postas clarified the administrator and the committee chairs should be the only two physically going over the reviews with the employee, his intention is not to eliminate the administrator from the process.

Mr. Zydon explained why the resolution was written as is. Some Councilmen don't have any interaction with the department head and we don't want any politics getting in the way during the process. If a Councilman doesn't have any interaction with the department head how can they evaluate them fairly.

Mr. Formica commented we just want all Council members to have the chance to voice their opinions whether or not they are on a specific committee. Instead of placing restrictions, let's give each Council member the option themselves to decide whether or not to review.

A discussion continued on Resolution 2020-34.

Mayor Sowden suggested to table resolution 2020-34 and bring this resolution back at a future date.

Mr. Zydon made a motion to adopt Resolution 2020-34 as presented. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Limon, Snyder, Zydon

Nays: Formica, Postas, Skellenger, Absent: None Abstentions: Mayor Sowden

Motion failed

Mr. Ursin explained the vote is a tie, Mayor Sowden abstained, the motion doesn't pass.

Mr. Snyder voiced his concerns with tabling the resolution. Certain things have a way of falling through the cracks and he doesn't want that to happen with this.

Mr. Zydon commented if this doesn't get addressed it will stay as is, which is giving total evaluation control to the Council and not having any input from the Administrator.

Mr. Ursin commented he will make some suggestions for changes as discussed tonight.

**OLD BUSINESS**

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

**NEW BUSINESS**

**Approval of Meeting Minutes**

Mr. Formica made a motion to approve the regular meeting minutes for May 12, 2020. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Formica made a motion to approve the executive session meeting minutes for May 12, 2020. (Absent: Snyder) Seconded by Mr. Skellenger.

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Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Snyder

### Discussion on the Sussex County Municipal Utility Authority (SCMUA) Leachate Force Main Extension Project

Mayor Sowden commented he already addressed this discussion item during his committee report. Mayor Sowden asked if any member of the Council had any additional comments.

No one from the Council had any comments.

### EXECUTIVE SESSION

There was no executive session for this meeting.

### ADDENDUM

#### Resolution #2020-35

Mr. Skellenger made a motion to adopt resolution 2020-35 regarding suspending the 2020 Franklin Pond Beach User Fees. Seconded by Mr. Postas.

Mr. Zydon questioned if we should be suspending the fees for swimming at the pond without knowing what is even happening with it this year. There are many financial concerns that are already effecting the Borough, we need to take that into consideration.

Administrator McHose commented the Recreation Committee has been made aware of the many details that we are already addressing regarding hiring staff, lifeguard certification extension as authorized by one of the Governor's Executive Orders and health inspections. I, together with Debbie Bonanno are planning to schedule a Zoom meeting with the Recreation Committee and the 2 Council members that are involved with Recreation to discuss it more thoroughly and examine what is required of the Borough during this COVID-19 pandemic.

Ms. Bonanno commented she agrees there needs to be additional conversations as to what is required of the Borough before we can decide to open or not. Her main concern is she doesn't want to have beach attendants responsible for enforcing any COVID-19 restrictions.

Mr. Formica commented this is a way to give back to our community. It puts this in place in case we do open so that we don't need to rush to do it later.

Mr. Postas commented if the pond opens it should be just for Franklin residents only.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger

Nays: Snyder, Zydon Absent: None Abstentions: None

Mr. Snyder commented this is a great idea, but I voted no because there are so many ifs and unknowns to make a judgement call at this time.

### 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. Zydon. All were in favor.

There being no one present 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.

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**MISCELLANEOUS COMMENTS**

Mr. Zydon commented he would like to read a quote from James Madison.  
*“If Men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and the next place, oblige it to control itself.”*

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zydon made a motion to adjourn the meeting at 8:04p.m., seconded by Mr. Snyder. All were in favor.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk