

**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  
JUNE 9, 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 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 reported there are some personnel items on the agenda tonight.

Mr. Postas questioned if the contract for the LED lights from Jackie Espinoza, [JCP&L] has been received for signature and returned yet. Mr. Postas reported he hasn't received any scheduling updates for the 3 roads to be paved from Brian VanDenBroek.

Mr. Formica reported the Finance Committee is still working on the budget. Mr. Formica asked if the Council had any objections to having the Community Garden by the Senior Center removed. The Council had no objections.

Mr. Zydon had nothing to report other than there is an Ordinance Committee meeting scheduled for June 16, 2020.

Mr. Snyder reported besides what is on the agenda this evening regarding some personnel items there was only one item; a part time employee to become full time that we didn't feel should be addressed at this time with all that is going on, this will be discussed again in the future.

Mr. Skellenger reported at the Recreation Committee meeting we discussed the pond opening, the closing of the Littell Community Center and informed the Council and public that some businesses are using some of the areas down at the pond for holding various classes.

Mayor Sowden commented that is a good thing. We need to show our support for our businesses and residents during times of crisis.

Mr. Ursin had nothing to report.

Ms. Bonanno reported the Real Estate Committee met and are preparing some properties to auction. There was a Historic Preservation meeting and we are still working on the budget.

## MAYOR & COUNCIL MEETING MINUTES JUNE 9, 2020

Administrator McHose reported she has emailed the County Division of Senior Services to request if there is any information on when or if the Senior Lunch Program may be starting, she hasn't received a response yet. Administrator McHose commented there is also a green house the County Division of Senior Services had secured and was planning on giving to the Seniors and explained possible locations where it can be placed. Administrator McHose also reported mulch should be in soon and we are preparing the playground to open as soon as we get the word we can do so. We are also preparing for the possible opening of the pond. There is a lot involved with the new COVID-19 requirements that have been put out by the Governor and his administration, but we are working hard to have it happen for our residents.

Clerk Tremont had nothing to report.

Mayor Sowden reported he had a meeting with the (SHPO) State Historic Preservation Office, they are very interested in the Borough of Franklin for its' history and the minerals here. They commented we are a good contender for a position in the world renown locations of historical significances and recommended we look into it. There will be another meeting at the Council level to have discussions on Historic Preservations. Mr. Bill Truan, who is also the Sussex County Historian has applied Franklin for different historical notifications. There are many exciting things we are going to look into to bring Franklin to a whole new level. Mayor Sowden named a few key people in this process, Mr. Truan, Mr. Crabb and Mrs. Williams and soon we will all be key people too. Mayor Sowden commented as we move into the summertime and people start coming out, he'd like to see an attraction to the businesses and enjoying the beautiful areas in our town soon. He is happy and pleased that we are all working together to try to have this happen.

### **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. Sandyston Township Mayor George B. Harper Jr. letter to Elected Officials Re: Governor Phil Murphy – Hypocrisy and Delusion.

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

1. Franklin Municipal Court Report – April 2020.
2. Franklin Police Department Report – April 2020.
3. Construction Permit Activity Report – May 2020
4. COH Report – May 2020
5. Construction Report – May 2020

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

1. None filed.

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

1. Payment of bills for the meeting of June 9, 2020.

Mr. Limon made a motion to approve the consent agenda of June 9, 2020. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### **OLD BUSINESS**

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

### **NEW BUSINESS**

Approval of Meeting Minutes

## MAYOR & COUNCIL MEETING MINUTES JUNE 9, 2020

Mr. Snyder made a motion to approve the regular meeting minutes for May 26, 2020. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### Introduction of Ordinance 04-2020

Mr. Zydon made a motion to introduce ordinance 04-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING SECTIONS 218-3 AND 218-8 REGARDING SIGNS AND CHAPTER 119, FEES". Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public Hearing will be held on June 23, 2020.**

### Introduction of Ordinance 05-2020

Mr. Zydon made a motion to introduce ordinance 05-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 161-24 REGARDING FENCES". Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public Hearing will be held on June 23, 2020.**

### Public Employer Trust Agreement

Mr. Postas made a motion to approve the Public Employer Trust Agreement between the Borough of Franklin and Brown and Brown, Benefit Advisors for Horizon Healthcare Dental for the period of July 1, 2020 to June 30, 2021, at no increase in premiums, addendum with coverage cost election attached. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### Discussion on Approving the return of Municipal Deputy Court Administrator Lauren Mitchener

Mr. Snyder made a motion to approve the return of Lauren Mitchener as Deputy Court Administrator for up to 29 hours a week at the rate of \$18.33 per hour effective June 15, 2020 as recommended by Acting Administrator McHose and the Personnel Committee. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### Discussion on Approving the Hire of Lifeguards

At this time there was a discussion on approving the hire of 2 lifeguards, Jake Hubbard at the rate of \$12.00 per hour and Jacob Banfield at the rate of \$11.00 per hour (pending review of certification) as recommended by Acting Administrator McHose.

Mr. Postas commented on the timeline for opening the pond and if there is a need to hire lifeguards when we aren't sure whether or not the pond is really going to open.

## MAYOR & COUNCIL MEETING MINUTES JUNE 9, 2020

Mayor Sowden commented we are showing good faith to attempt to open. There are many guidelines coming out each day that must be followed that we need to understand and implement.

Mr. Postas asked for the date the lifeguards will be starting if hired.

Mayor Sowden commented tomorrow, June 10, 2020.

Administrator McHose commented on discussions she has had with the 2 potential lifeguards; explaining to them the pond hours, work schedules and what will be expected from them both prior to the pond opening and then after if it is open. They are fully aware of the issues that we are faced with. Administrator McHose also commented the hiring process began before COVID and she is actively seeking other lifeguards to provide extra coverage. If we are able to get all the necessary items that are needed to be put in place and coordinated, there is hope we could open for the July 4, 2020 weekend.

Mr. Snyder voiced his concerns with what we have in place so far and what is still needed to be done. There are many questions that still need to be answered regarding whether or not they [lifeguards] will be able to do what will be needed to be done.

Administrator McHose explained State and County Health Department guidelines and requirements yet to be completed and followed in order to open the pond.

Mr. Snyder questioned who will be overseeing and in charge of the lifeguards.

Administrator McHose commented it will now have to be the responsibility of our new Administrator.

A discussion continued on the responsibilities associated with the pond.

Mayor Sowden explained the difficulties that must be overcome in order to open the pond.

Mr. Limon commented he is confident in the ability of the returning lifeguard [Jake Hubbard] and wants to move forward with opening the pond. It can be a work in progress, addressing issues as they come up.

Mr. Skellenger made a motion to approve hiring Jake Hubbard at the rate of \$12.00 per hour and Jacob Banfield at the rate of \$11.00 per hour (pending review of certification) as recommended by Acting Administrator McHose. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Skellenger

Nays: Zydon, Snyder Absent: None Abstentions: Postas

### Discussion on Approval of Resolution #2020-36R

At this time there was a discussion on the approval of Resolution #2020-36R modifying the employee handbook regarding evaluations.

Mr. Ursin commented the Council received 2 versions in their packets, one showing the changes and the one up for adoption. His goal was to bridge the gap between the 2 opinions on the Council as discussed at the last Council meeting. Mr. Ursin explained the wording changes in Resolution 2020-36R.

Mr. Zydon commented after hearing concerns from the 3 department heads which were primarily the same but stated in different ways, he believes this version to be a good compromise.

Mr. Formica commented he still believes each member of the Council should have a say in the evaluations.

**MAYOR & COUNCIL MEETING MINUTES JUNE 9, 2020**

Mr. Zydon made a motion to adopt resolution 2020-36R modifying the employee handbook regarding evaluations. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**ADDENDUM**

Approval for Liquor License COVID-19 Expansion of Premises Permits

Mr. Skellenger made a motion to approve the following COVID-19 Expansion of Premises Permit applications for the following Liquor Licenses. Seconded by Mr. Zydon.

Muckraker Beermaker LLC      LL#3404-11-843-001      12 Cork Hill Road

Franklin Grill and Tavern LLC      LL#1906-33-010-008      27 S. Route 23  
(Brick and Brew)

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Skellenger commented he would like to have a discussion on the expansion of outdoor seating for restaurants in Franklin Borough. He has been working with Mr. Ursin about this and read information that could be worded for possible approval.

“The council authorizes restaurants to set up informal outdoor seating so long as the outdoor seating does not violate any zoning ordinance, violate the terms of a liquor license, or reduce the parking below an impractical level. This authorization is only valid during the pandemic, more specifically until the state of emergency is lifted by the Governor.”

This could help some of our local businesses until the Governor lifts restrictions.

Mr. Ursin commented under normal circumstances he wouldn't recommend this; however, we are still under a State of Emergency and it's not known when it will be lifted; it could be a few weeks or maybe months. The Governor has authorized restaurants that they can partially operate by having outdoor seating. Mr. Ursin explained normal procedures for restaurants to get approvals of this type from the Planning Board and or Zoning Board. If the Council decides to move ahead with something like this you will need to delegate someone, possibly your Zoning Officer to oversee the process and verify whatever problems there might be with the site or safety precautions that may need to be followed. It would have to be made very clear to the restaurants that this is only an accommodation made while the State of Emergency is still in effect due to the pandemic and that any restaurant that wants to continue any type of outdoor seating outside of their site plan has to go through the regular approval process.

Mr. Snyder questioned if there will be an issue with restaurants that lease and don't own the property, also will they be utilizing parking lot areas.

Mr. Ursin commented on various scenarios. There isn't a lot of time to generate specific guidelines and we need to trust the person designated with these responsibilities. This is a very informal accommodation if the Council chooses to move forward with this. Mr. Ursin suggested the Council authorize additional hours for the Zoning Officer.

Mayor Sowden commented our Zoning Officer is capable to do what is required. We don't know who will actually be taking advantage of this, we are just trying to support our businesses and residents as best we can during these difficult times.

Mr. Postas questioned if the Council can take action on this tonight.

**MAYOR & COUNCIL MEETING MINUTES JUNE 9, 2020**

Mr. Ursin commented on the handling of meeting agenda items requiring action under normal circumstances and meeting procedures during emergency situations. Mr. Ursin stated this is a dynamic situation and advised that it is proper to take action on this tonight.

Mr. Skellenger made a motion to approve the council authorizing restaurants to set up informal outdoor seating so long as the outdoor seating does not violate any zoning ordinance, violate the terms of a liquor license, or reduce the parking below an impractical level. This authorization is only valid during the pandemic, more specifically for 90 days or until the State of Emergency is lifted by the Governor whichever is sooner and the Council always has the opportunity in the range of Labor Day to revisit this. The Council also authorizes the Administrator at her discretion to approve extra hours for the Zoning Officer. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**EXECUTIVE SESSION**

There was no executive session for this meeting.

**OPEN PUBLIC SESSION**

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

Mayor Sowden directed anyone who wished to address the Governing Body to use either the "raise your hand" or dial \*9 option to join.

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.

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 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