

**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 23, 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."

EXECUTIVE SESSION

Mayor Sowden announced there was an executive session prior to this meeting that began at 6:30PM to discuss attorney-client privilege.

PRESENTATIONS

Mayor Sowden commented he would like to present a plaque to Alison Littell McHose, Franklin Borough Administrator, to recognize her upcoming retirement and her years of service with the Borough. Mayor Sowden read the plaque; "Congratulations on your retirement Alison Littell McHose in appreciation for your many years of distinguished public service and loyal support to the Borough of Franklin, Best Wishes to new beginnings and happy memories, June 30, 2020".

Administrator McHose thanked everyone, stating it has been great working with all of you. She is proud to have been the fourth generation in her family to serve the Borough of Franklin. There is certainly a long lineage and a lot of pride in the town. Administrator McHose wished everyone well.

Mayor Sowden requested Debbie Bonanno to provide a small slide show presentation showing Alison's history in Franklin Borough created by Mr. Phil Crabb. Mayor Sowden commented it will be hard to say good-bye.

Mr. Ursin commented he can see that Mr. Boyle from Planet Networks is attending the meeting and requested if the Mayor might want him to speak now to explain their services to the public in relation to the resolution that is on tonight's agenda.

Mayor Sowden invited Mr. Boyle from Planet Networks, Inc. to speak.

Mr. Robert Boyle, of Planet Networks, Inc. joined the meeting. Mr. Boyle explained they are already providing high speed fiber optic internet services to many towns in Sussex County, naming a few. Their goal is to be able to offer those services to everyone in Sussex, Warren and Hunterdon Counties. They have been providing services since 1994. They are a phone company which is regulated by the Board of Public Utilities. They are in the process of attaching our equipment to existing telephone poles, to build our own networks. We will be responsible for paying the owners of those poles to use them. The law in New Jersey requires us to ask the towns for permission to enter the rights-of way in order to proceed so towns know who's in their town working. Basically, the resolution is a formality of that process.

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Mr. Boyle commented they plan to start placing their equipment mostly in the downtown area of Franklin to start. Permitting should be complete in 60 or 90 days. Mr. Boyle also explained the services and speeds they will be offering to every business and every home.

Mayor Sowden clarified these services have already been discussed with the Franklin School.

Mr. Boyle commented yes; that is one of the reasons why we are trying to get this done quickly, so that we can get the school connected by July 1, 2020.

COMMITTEE REPORTS

Mr. Limon had nothing to report.

Mr. Postas had nothing to report.

Mr. Formica reported the Finance Committee met last week and the budget is on the agenda tonight for introduction. Under Buildings and Grounds, sand has been delivered and spread, the pond is ready to go. Mulch is being spread out throughout the area including in the playground area and that should be open soon.

Mr. Snyder had nothing to report.

Mr. Skellenger had nothing to report.

Mr. Zydon reported there was an Ordinance Committee meeting on June 16, the zoning officer attended and had some questions regarding outdoor dining at restaurants, there are a few hurdles that they have been experiencing regarding County approvals. She also spoke about donations of land which Mr. Ursin is already addressing. Lastly, we are in the early stages of trying to distinguish who is and isn't responsible for what between buildings and grounds and recreation departments.

Administrator McHose reported parts have arrived for the playground and word has it that the playground will be able to open on July 2. We have had the exterminator spray for bees and goose deterrent has been applied to the grass areas at the pond. The signs for the pond area should be in next week that clarifies fishing areas and swimming rules. Swimming in the pond will only be Fridays, Saturdays and Sundays this year and we are hoping to open for the 4th of July weekend. Water testing has been done the past 2 weeks and we have passed both times. Water testing will continue on a weekly basis.

Ms. Bonanno had nothing to report.

Mr. Ursin had nothing to report.

Clerk Tremont had nothing to report.

Mayor Sowden reported he has been watching the Finance Committee work on the budget and they have had to make some difficult choices with all that is going on around us. They have done a lot to get us where we are and he is very proud to introduce the budget tonight.

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. Postas. 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.

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Darlene and Joe Pallay were granted permission to join the meeting after raising their hand. Ms. Pallay commented on a letter she sent to the Mayor and Council and Administrator McHose regarding an incident that happened at the pond. (Franklin) She was involved in an altercation with a person who is not a Franklin resident. Ms. Pallay voiced her concerns over the safety of her, her family and others who use the pond area. Ms. Pallay asked if there is anything that can be done to address this situation.

Mayor Sowden commented we are looking into this incident and have had dialogue with the police department.

Mr. Ursin commented we are aware of the incident and Ms. Pallay's letter. We have spoken to the police department about it and we will continue to monitor the situation. Mr. Ursin stated this is a Municipal Court matter and explained the process involved.

Ms. Pallay asked if there is anything that can be done or actions that can be taken to keep her out of the area since she isn't a Franklin resident, suggesting the possibility of a no trespassing order from the Borough. Ms. Pallay commented she is still being harassed by this person. Ms. Pallay also asked who can she communicate with on the status.

Mr. Ursin recommended her main point of contact should be the police department.

Mr. Pallay commented this is a problem and something needs to be done.

Mr. Ursin commented that a no trespassing order is not possible because the pond is a public area. The Council is concerned and are monitoring this situation closely. Mr. Ursin concluded this is a police and municipal court matter. The police department investigates wrongful conduct and crimes and we are counting on them 100 percent.

There being no one else present who wished to address the Governing Body, Mr. Postas made a motion to close the meeting to the public, seconded by Mr. Zydon. 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. Zydon requested to remove Item 1 under Correspondence, the letter from the Center for Prevention & Counselling re: marijuana legalization and discuss it separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter from The Center for Prevention & Counselling, Ashley Brown, Coalition Coordinator, to Franklin Borough Mayor and Council re: marijuana legalization.
(This item was removed from the consent agenda)

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Police Department Report – May 2020
2. Municipal Court Report – May 2020
3. Franklin Registrar Report January 2020 – March 2020

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 23, 2020.

Mr. Skellenger made a motion to approve the consent agenda of June 23, 2020, without item 1 under correspondence. Seconded by Mr. Limon.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Letter from The Center for Prevention & Counselling, Ashley Brown, Coalition Coordinator, to Franklin Borough Mayor and Council re: marijuana legalization

Mr. Zydon commented this item has been acted on by the Board of Chosen Freeholders and other municipalities and would like the Council to consider supporting them in their efforts to not legalize the use of recreational marijuana. Mr. Zydon stated according to the USDOT recreational marijuana is illegal no matter what to those who hold a CDL (Commercial Driver License) and named various positions requiring a CDL. Mr. Zydon also commented marijuana use leads to harder drugs. He would like to add our name to this cause with a resolution in opposition to New Jersey recreational marijuana use.

Mr. Zydon made a motion to have a resolution drafted in opposition of the legalization of recreational use of marijuana and have it presented at our next Council meeting. Seconded by Mr. Skellenger. All were in favor.

Mr. Formica clarified this resolution is to keep marijuana use illegal. Mr. Formica informed everyone even if marijuana becomes legal anyone who is found in possession of marijuana and a firearm will be charged as a felon.

OLD BUSINESS

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

NEW BUSINESS

Mr. Postas made a recommendation to the Council to restrict swimming at the pond to Franklin residents only. Mr. Postas commented with all that we are experiencing with the Coronavirus we have the ability to track those who use the pond with the badges.

Mr. Postas made a motion to limit swimming access to Franklin residents only for the 2020 swimming season. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Administrator McHose clarified the process to track those who swim at the pond.

Approval of Meeting Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for June 9, 2020. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-37

Mr. Formica made a motion to adopt resolution 2020-37 authorizing the use of the public rights-of-way by Planet Networks, Inc. Seconded by Mr. Zydon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-38

Mr. Formica made a motion to adopt resolution 2020-38 authorizing the issuance of not exceeding \$1,716,499 Bond Anticipation Notes of the Borough of Franklin, in the County of Sussex, New Jersey. Seconded by Mr. Skellenger.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-39

Mr. Skellenger made a motion to adopt resolution 2020-39 intent to assign tax sale certificate for the property located at 341 Rutherford Avenue also known as block 607, lot 26 in the amount of \$21,483.21. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Zydon

Resolution #2020-40

Mr. Skellenger made a motion to adopt resolution 2020-40 authorizing refund to Sprint for a duplicate payment received in the amount of \$11,752.60. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-41

Mr. Postas made a motion to adopt resolution 2020-41 authorizing the use of a three (3) year average historical tax collection rate for the purpose of calculating the 2020 appropriation "reserve for uncollected taxes". Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-42 Introduction of the CY2020 Municipal Budget

Mr. Postas made a motion to adopt resolution 2020-42 introducing the CY2020 Municipal Budget for the Borough of Franklin. Seconded by Mr. Formica

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing: July 21, 2020.

Adoption of Ordinance #04-2020

Mr. Zydon made a motion to adopt 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. Snyder

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 04-2020.

Mr. Skellenger made a motion to open to the public ordinance 04-2020. Seconded by Mr. Formica. All were in favor.

No one from the public raised their hand.

Mr. Skellenger made a motion to close to the public ordinance 04-2020. Seconded by Mr. Snyder. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Adoption of Ordinance #05-2020

A motion is in order to adopt 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".

Mr. Zydon commented the Planning Board has alerted him to a few items in this ordinance that are obsolete that they would like to discuss at their next Planning Board meeting. Mr. Postas commented there are older sections of this ordinance that are no longer applicable to what is needed. There is also litigation in certain cases with these ordinances in the State itself. They have asked us to give them (Planning Board) till the end of July.

Mr. Skellenger made a motion to table the adoption of ordinance 05-2020 to the August 18, 2020 agenda. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing: August 18, 2020

Discussion on the Senior Center Nutrition Program

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

Administrator McHose commented she and Ms. Bonanno had a call with the County Division of Senior Services last week. They would like to institute a program that is primarily a pick up service; senior citizens would drive up and be handed a lunch at curbside. In order to proceed with this, we would need to bring back 1 or more employees that were furloughed to implement the program procedures. They have also commented on the possibility of having us provide outdoor dining for lunches. However, that causes problems with who would be responsible for setting up and breaking down tables and chairs among other issues.

Ms. Bonanno commented they (Senior Services) are currently delivering frozen meals to the homes of those who still need those services. Since the Borough has furloughed those employees that handle the program Senior Services has stopped paying us. If we were to bring back just one employee for these services they will begin paying us again.

Mr. Postas questioned if we are obligated to provide the outdoor dining or is it our choice. Mr. Postas suggested to bring back the lowest paid employee in order to continue to serve our seniors and begin getting our revenues from the County again.

Administrator McHose commented on various issues with moving ahead including certifications, hours needed, times of services and the amounts of seniors that would still utilize these types of services.

Ms. Bonanno commented we are operating at a loss, our payroll is higher than the revenues we receive from the County.

A discussion continued on the Senior Center Nutrition Program.

Mayor Sowden commented we need to evaluate all of the information prior to deciding what direction we want to go in for the future and we will revisit this again in July.

The Council agreed.

OPEN PUBLIC SESSION II

Mr. Limon 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.

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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.

MISCELLANEOUS COMMENTS

Mayor Sowden stated, Alison it has been a pleasure and wished her all the best as we all do. Enjoy your retirement.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 8:17p.m., seconded by Mr. Zydon. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk