

**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 22, 2020**

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. Limon (via Zoom), 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. Snyder had nothing to report.

Mr. Skellenger thanked Mr. Formica and the Recreation Committee again for the great job they did for 9/11 Memorial. He is still receiving compliments from people saying how pleased they were with it.

Mr. Postas reported a bid was accepted for the resurfacing of Mitchell Avenue for this year and also the other 3 roads [Paddock Rd., Newton St., and Susquehanna St.] prior to any snow falling this year.

Mr. Formica reported the Finance Committee met last week and continued to discuss ideas to get a head start for next year.

Mr. Zydon reported the Ordinance Committee had discussions on the 2 ordinances that are being introduced this evening.

Mr. Limon had nothing to report.

Mr. Ursin had nothing to report.

Administrator Bonanno had nothing to report.

Clerk Tremont reported she received a resignation email from Marge McCabe, Administrator of County Board of Elections. She will be retiring as of October 1, 2020.

Mr. Skellenger, Chair of the Real Estate Committee reported the Borough had an auction last Wednesday [September 16, 2020] to sell various Borough properties acquired through foreclosures and tax liens, etc., which generated \$189,500. These funds can be added immediately to the budget and used as needed.

Mayor Sowden reported as of today there are now 50 positive cases of COVID-19 in Franklin Borough dating back to March. Mayor Sowden commented the 9/11 ceremony was very well attended and well done. He is looking forward to having it again next year.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 22, 2020

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.

Matt Walters, 6-8 Corkhill Road, Franklin stepped forward. Mr. Walter asked for a status on a request he made at a previous meeting regarding a crosswalk on Corkhill Road by the corner of Maple Road.

Mayor Sowden commented the traffic safety officer reviewed the area and he didn't see any issues with having a crosswalk installed at that location. Before moving forward, the Council will need to check there are no compliance issues according to our rules and regulations. Mayor Sowden also commented on a previous request from Anne DeGrezia regarding moving the mailboxes. The Postmaster doesn't believe there should be a problem, but they will need to get approvals from the property owner to place the mailboxes on his property.

Mr. Walters also requested if the Ordinance Committee is considering re-visiting the noise problem with truck brakes while traveling on Corkhill Road.

Mr. Zydon commented not at this time.

Sarah Zydon, representative of the Franklin Historical Society was granted permission to join the meeting through ZOOM after raising her hand. Ms. Zydon commented we will again be doing the Franklin Scarecrows contest. Sign up dates are between September 22 – October 17. Sign ups can be done on line at google docs or pick up a register slip from the Postas Barber Shop. There will be (3) categories for winning 1st, 2nd and 3rd. There is also a People's Choice for residents and commercial businesses in the Borough that is voted on by the residents. Voting for that category is from October 19th – 23rd. Professional judging is taking place on October 23, 2020 and announcements will be on Monday, October 26, 2020 at 5PM at the Historical Society. Frames for the scarecrows can be picked up at the Historical Society from September 28 through September 30 between the hours of 2PM and 5PM. Ms. Zydon requested Council approval for any residents that don't have areas to place scarecrows at their home to be able to place them at the Hungarian Church property on Main Street across from the Historical Society building.

Mr. Formica clarified the Hungarian Church is the only location they would like to use.

The Council unanimously agreed.

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. 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. Lafayette Township resolution #2020-37 opposing the exclusive use of mail-in ballots for the general election in November, 2020.
2. Township of Andover resolution #R2020-97 requesting the County of Sussex to provide a separate taxation to Municipalities that utilize the Sussex County dispatch services.
3. Sandyston Township resolution #R-49-2020 urging Governor Murphy to reopen business in New Jersey in the immediate future.
4. Sandyston Township resolution #-50-2020 opposing the exclusive use of mail-in ballots for the general election in November, 2020.
5. Borough of Hamburg resolution #2020-59 requesting the County of Sussex to provide a separate taxation to Municipalities that utilize the Sussex County dispatch services.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 22, 2020

6. Borough of Sussex resolution #2020-139R opposing the exclusive use of mail-in ballots for the general election in November, 2020.
7. Township of Byram resolution #158-2020 requesting return to an “in-person” voting process as no one person should dictate a voting process.
8. Township of Sparta ordinance #20-09 amending section 18-5.3j entitled “FIRE PROTECTION SYSTEMS” and section 18-5.3K entitled “CENTRAL WATER FACILITIES” of chapter XVIII entitled “COMPREHENSIVE LAND MANAGEMENT CODE” of the Sparta Township code to modify their provisions.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report – August 2020
2. Police Department Report – August 2020

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution 2020-71

Approval to adopt resolution 2020-71, authorizing the Borough Clerk to renew the following liquor licenses for the 2020-2021 licensing term.

1906-33-005-008 Franklin Silver Ducat II, LLC, Pocket license
1906-33-009-012 Franklin Silver Ducat II, LLC, Pocket license
1906-33-010-008 Franklin Grill & Tavern, T/A Brick & Brew
1906-33-008-009 Stone Hill Recreation Corp., Bear Den Grill, Black Bear
1906-33-011-005 Kozs Korner, Inc., Kozs Korner
1906-33-014-006 Six Gee Corp., T/A Irish Cottage Inn
1906-31-015-001 Sgt. Francis M. Glynn Post, 132 American Legion
1906-31-017-001 Wallkill Golf Club, Wallkill Golf Club

2. Payment of bills for the meeting of September 22, 2020.

Mr. Postas made a motion to approve the consent agenda of September 22, 2020. Seconded by Mr. Skellenger.

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

Mr. Skellenger made a motion to approve the regular meeting minutes for September 8, 2020. (Absent: Postas)

Upon roll call vote:

Ayes: Formica, Limon, Skellenger, Snyder, Zydon

Nays: None Absent: None Abstentions: Postas

Congregate Nutrition Program Shared Services Agreement Modification

Mr. Skellenger made a motion to approve the Modification of a Shared Service Agreement for \$2,473.00, Attachment “A” between the County of Sussex and the Borough of Franklin for the Franklin Congregate Nutrition Program from January 1, 2020 to December 31, 2020 for a total amount of \$30,173.00 and authorize the clerk to execute same. Seconded by Mr. Zydon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 22, 2020

Special Event permit

Mr. Skellenger made a motion to approve an application for a special event permit from Fink's BBQ Restaurant, for an Oktoberfest to help benefit the Franklin Fire Department to be held at the Franklin Fire Department Pavilion on October 3, 2020 (rain date October 4, 2020). Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Limon, Snyder

Discussion on Dog Ordinance/Pond Area

At this time there was a discussion on the dog ordinance/pond area.
(Memo from Recreation Committee included in Council packets)

Mr. Zydon explained the current ordinance doesn't allow for any pets other than service animals at the recreation area. The Recreation Committee made a recommendation to have all pets allowed. We (Ordinance Committee) discussed this with Mr. Ursin and we are allowing pets, but owners must comply with our current Chapter 86. Mr. Zydon briefly explained Chapter 86, Animals. Mr. Zydon stated no pets/animals will be allowed on the ball fields or playgrounds. There will be a need to purchase animal waste disposal units.

Mr. Postas commented he is all for this, but signage must be added for that and other items such as no fishing on beach area, etc.

Mayor Sowden commented all signage needs to be addressed down at the pond.

Mr. Formica commented on possibly having the Boy Scouts build pet waste dispensing units for those working on obtaining their Eagle Scout status.

Mr. Snyder questioned if special events like the dog shows will still be able to take place with the changes we are describing.

Mr. Formica commented the K-9 company that has their event every year, get field rental approvals from the Recreation Committee. There has never been an issue.

Mr. Ursin made a recommendation to leave a reference regarding service animals. Mr. Ursin explained the Recreation Committee should update the rules. He will help and communicate with the Recreation Committee to update the rules and send them back to the Council to approve.

Resolution #2020-72

Mr. Zydon made a motion to adopt resolution 2020-72 refund of tax overpayment to Y&J Properties, LLC in the total amount of \$1,657.35. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-73

Mr. Skellenger made a motion to adopt resolution 2020-73 to accept the bids for properties on attached exhibit A and the Mayor and Council authorize execution of the real estate contracts. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2020-74

Mr. Postas made a motion to adopt resolution 2020-74 awarding contract for resurfacing of Mitchell Avenue to Mike Fitzpatrick Contractors, Inc. in the amount of \$163,236.30. (Thomas Knutelsky letter of recommendation dated September 17, 2020, included in the Council packets.) Seconded by Mr. Skellenger.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 22, 2020

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #10-2020

Mr. Postas made a motion to adopt ordinance 10-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN AUTHORIZING THE CONVEYANCE OF MUNICIPAL PROPERTY LOCATED AT 25 SUSQUEHANNA STREET, BLOCK 803, LOT 4 TO SUSSEX COUNTY HABITAT FOR HUMANITY FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING PURSUANT TO N.J.S.A. 40A: 12-21(L)". 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 10-2020.

Mr. Postas made a motion to open to the public ordinance 10-2020. Seconded by Mr. Formica. All were in favor.

No one from the public stepped forward or raised their hand.

Mr. Postas made a motion to close to the public ordinance 10-2020. Seconded by Mr. Zydon. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #11-2020

A motion is in order to adopt ordinance 11-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 161-32 REGARDING RECREATIONAL EQUIPMENT STORAGE".

Mr. Ursin explained the process and requirements for adopting ordinances that are in the zoning chapter, specifically we must give the Planning Board 35 days to respond, this didn't happen because of the way the meetings fell. Mr. Ursin recommended to table ordinance 11-2020 to the next meeting (October 13, 2020) to avoid any validity problems.

Mr. Snyder made a motion to table ordinance 11-2020. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public hearing will be held on October 13, 2020.

Introduction of Ordinance #12-2020

Mr. Zydon made a motion to adopt ordinance 12-2020 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. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Public Hearing will be held on October 27, 2020.

Introduction of Ordinance #13-2020

Mr. Postas made a motion to adopt ordinance 13-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTIONS 270-2, 270-4, 270-12 REGARDING WATER". Seconded by Mr. Skellenger.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 22, 2020

Public Hearing will be held on October 13, 2020.

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 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.

There being no one 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.

MISCELLANEOUS COMMENTS

Mr. Postas announced the Franklin Mineral Museum will be holding its' annual mineral show this weekend Saturday and Sunday (9/26/2020 and 9/27/2020) from 9AM to 6PM at the Franklin Fireman's Pavilion.

Mr. Skellenger announced the Newton Motor Vehicle Agency and the Washington Motor Vehicle Agency can't process driver licenses. They can only do items that have to do with your vehicle. Also, from now until the foreseeable future Tuesdays and Thursdays from 2PM – 4PM are set aside for anyone 65 years or older who have purchased new or used vehicles and need to register them. If you can do items on line you are encouraged to do so.

Mr. Snyder commented on an item on a previous bills list that was a substantial amount of money that wasn't clarified until speaking with the Mayor and the Administrator. It was for the police department recertification items that was set in the Capital expenditure in 2019. Mr. Snyder requested a detailed explanation of this expenditure.

Administrator Bonanno commented she will forward the information she received from Chief Cugliari to Mr. Snyder.

Mr. Postas commented on accreditation benefits from insurers, confirming the Borough doesn't get those benefits from our present insurer.

Administrator Bonanno responded that is her understanding and if we switch to another JIF we could benefit.

A discussion continued on police training, accreditation benefits and credits and investigating other insurers.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Postas made a motion to adjourn the meeting at 7:45p.m., seconded by Mr. Skellenger. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk