

**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  
APRIL 28, 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. Postas reported the Mitchell Avenue project is ready to move forward, we are on standby to start the bid process. Mr. Vreeland notified him on the status of the water tower project. He is still waiting to hear from Sprint on who's responsible for removing and replacement of the cell antennas and the costs associated with it. The three streets that are to be paved have not been scheduled yet. Brian VanDenBroek has informed him that it might be possible in May. Mr. Postas commented he attended a town hall conference call with Congressman Gottheimer's office. There are many businesses in the County, including 17 in Franklin that are struggling to be heard. Mr. Postas also commented he knows some people are supporting our local businesses and encouraged all to continue to do so. It is important and they [the businesses] are very appreciative.

Mr. Formica reported buildings and grounds are still waiting for parts, the fountain has been placed in the pond. There was a Finance Committee meeting last week, we discussed the upcoming budget and the continued concerns on State Aid. Once we have more clarity on that we will continue to move forward. Mr. Formica commented Executive Order 130 was signed and would like to discuss it later in the meeting.

Mr. Zydon had nothing to report.

Mr. Limon had nothing to report.

Mr. Skellenger had nothing to report.

Ms. Bonanno reported as was mentioned we had a Finance Committee meeting last week via Zoom. I was in the office helping with collections and there will be an employee meeting next week via Zoom. Ms. Bonanno also reported she has been working closely with other departments, managing day to day operations and continuing to work on the budget.

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Administrator McHose reported work has begun on Route 631 today, the County is improving the crosswalks and ADA requirements. Milling and paving of that road should be starting on May 4, 2020.

Mayor Sowden reported there are 99 deaths attributed to the Coronavirus in Sussex County. Franklin Borough's confirmed cases are now at 37. The numbers may be climbing but slowly, which is a good thing.

The clerk had nothing to report.

**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. Hampton Township Resolution in Support of New Jersey Legislation Adopting a Vegetation Management Response Act.
2. Township of Frankford Resolution 2020-35 Prohibiting Short Term Rentals during the Public Health Emergency.
3. 2020 Preliminary Equalization Table for the County of Sussex from the County Board of Taxation.

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

1. Franklin Police Department Report – March 2020

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

1. None filed.

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

1. Resolution #2020-30  
Adoption of resolution 2020-30 appointing Daniel Flora of the Franklin Borough Police Department as Humane Law Enforcement Officer pursuant to N.J.S.A 4:19-14.1 for the purpose of enforcing animal welfare laws and regulations within Franklin Borough.
2. Payment of bills for the meeting of April 28, 2020.

Mr. Postas made a motion to approve the consent agenda of April 28, 2020. Seconded by Mr. Zydon.

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 this portion of tonight's meeting.

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Snyder made a motion to approve the regular meeting minutes for April 14, 2020. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Re-Introduction of Ordinance 01-2020

Mr. Postas made a motion to re-introduce ordinance 01-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 218-6 REGARDING SIGNS". Seconded by Mr. Formica.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public Hearing will be held on May 12, 2020.**

Introduction of Ordinance 02-2020

Mr. Zydon made a motion to introduce ordinance 02-2020 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING CHAPTER 259, VEHICLES AND TRAFFIC". Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public Hearing will be held on May 12, 2020.**

Introduction Ordinance #03-2020

Mr. Postas made a motion to introduce an ordinance 03-2020 entitled "ORDINANCE 03-2020 CALENDAR YEAR 2020 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)". Seconded by Mr. Skellenger

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Public hearing will be held May 12, 2020.**

Resolution #2020-31

Mr. Postas made a motion to adopt resolution 2020-31 authorizing the Tax Collector to process third quarter "ESTIMATED" tax bills, due August 1, 2020. Seconded by Mr. Formica.

Ms. Bonanno commented the State has extended its fiscal year therefore a tax rate will not be struck in a timely manner and they are recommending all municipalities to send out estimated tax bills. Ms. Bonanno explained that the CFO and the Tax Collector work together. They look at the full levy tax rate from last year which consists of Municipal, County and School taxes and either increase or decrease that amount as needed. We are recommending an increase of between 1.03% to 4% to last year's levy.

Mr. Limon commented he would like to see the Borough keep their rate flat. We have no idea what the future will hold after this crisis is over.

Ms. Bonanno commented whatever adjustments that might need to be made to the actual tax rate will take place in the fourth quarter tax bill.

Mr. Postas commented if we keep the rate flat now and taxes do increase it could cause a much larger tax increase in the fourth quarter leaving residents to scramble for those funds.

Mr. Zydon commented raising it [percentage rate] now helps lower the possible higher rate that may come later.

Ms. Bonanno commented we should decide on the percentage rate tonight in order for the tax collector to process the estimated tax bills, print them and get them in the mail by the end of June. Other towns have raised their rates as high as 5 percent,

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however the tax collector and myself are recommending somewhere between 3 and 4 percent.

Mr. Postas commented this was discussed during a Finance Committee meeting and we agreed to go in the middle at 3.5%. We have hired the professionals and should follow their recommendations.

A discussion on the estimated tax rate continued.

Mr. Snyder commented this is a tough call, but we [the Council] have to do it.

Mr. Limon commented he understands the reason for the higher rate, but many are out of work and he is concerned for the residents. This is going to hurt a lot of people.

Mr. Postas amended his motion to Resolution 2020-31 to reflect 3.5% as the "ESTIMATED" tax rate. Seconded by Mr. Formica

Upon roll call vote:

Ayes: Formica, Postas, Skellenger, Zydon

Nays: Limon, Snyder Absent: None Abstentions: None

**Resolution #2020-32**

Mr. Skellenger made a motion to adopt resolution 2020-32 authorizing the professional services contract for special labor attorney, Matthew J. Giacobbe, of Cleary, Giacobbe, Alfieri, Jacobs, LLC. (proposal provided in Council packets) Seconded by Mr. Limon.

Mr. Snyder commented he doesn't think hiring a new labor attorney is the right way to go at this time. We will have two labor attorney's getting paid at the same time and those fees are astronomical.

Mr. Ursin explained the new labor attorney would take over responsibilities as assigned with a transition period in the short term; it is a replacement.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Zydon

Nays: None Absent: None Abstentions: Snyder

**Aquatic Technologies, Inc. Services Contract**

Mr. Postas made a motion to approve the Aquatic Technologies, Inc. services contract for a two season period 2020-2021 in the amount of \$25,754.00. Seconded by Mr. Zydon.

Mr. Zydon questioned the term of the contract. Do we have an option of either a 1-year or 2-year contract. The costs seem high and we might want to consider a 1-year contract.

Administrator McHose explained the contract services, terms and payment schedule.

Mr. Formica commented should we wait to approve this until after we have adopted our budget.

Mayor Sowden commented this service is important to the weed control of the pond. If we don't do what is necessary now, it can cause problems to the eco system.

A discussion continued on weed control.

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Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### **EXECUTIVE SESSION**

There was no executive session this evening.

### **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.

Tamara Contreras, 121 South Rutherford Avenue, Franklin was granted permission to join the meeting after raising her hand. Ms. Contreras requested to have the Borough share Food Pantry information on our website.

Darlene Pallay, 1 Woodland Road, Franklin was granted permission to join the meeting after raising her hand. Ms. Pallay commented besides residing in Franklin she is also a local business owner. Ms. Pallay asked if Franklin Borough is going to extend the due date for property tax payments. Ms. Pallay commented she has 3 children in Franklin School, there are seniors graduating and wondered if the town could do anything special especially for those Franklin resident seniors.

Mayor Sowden commented parents of seniors as a group usually do things for the seniors and suggested that she contact the class parents to see what we might be able to put together and get back to us.

Administrator McHose commented when this quarantine ends maybe we can have a concert or something similar to draw the community together for the children. It would be a nice way to bring everyone together.

Patti Carnes, 280 Rutherford Avenue, Franklin was granted permission to join the meeting after raising her hand. Ms. Carnes thanked Mr. Postas for spearheading the town hall meeting today and hopes the businesses and residents get the assistance they need. Ms. Carnes commented she and Dawne Rowe will be discussing some ideas for our businesses in town, they need our help.

Mayor Sowden suggested to have Ms. Carnes schedule an EDC Zoom meeting for their regular meeting date for the 2<sup>nd</sup> Thursday in May [May 14, 2020].

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.

### **MISCELLANEOUS COMMENTS**

Mr. Formica commented on Governor Murphy's Executive Order to extend the property taxes payment grace period to June 1, 2020. Mr. Formica stated he is in favor to have Franklin Borough approve this extension as a way to help our residents.

Mr. Ursin explained the Borough's normal agenda and public meeting procedures. The Governor's executive order on extending the time period was signed yesterday and publicized this morning, if the Council would like to discuss this topic tonight and take action on an agenda basis, the Council would be justified to do so given the circumstances.

Mayor Sowden asked to have our CFO and Administrator review the Borough's financial situation and how it could affect us. Once we have that information we can schedule a special meeting to vote on whether to approve this extension or not.

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Mr. Postas commented he doesn't have a problem with the extension but would be more comfortable if we wait to see where the Borough collections are at this point before we approve this.

Mr. Formica commented he understands the concerns, but If residents can't pay by May 1<sup>st</sup> this gives them the opportunity of a little more time and to save a few dollars. The only thing the Borough would lose if this isn't approved is a potential late fee.

Ms. Bonanno explained the grace period process and the interest calculations. This is only extending the grace period date to June 1<sup>st</sup> it's not changing the due date, which is still May 1, 2020. If this extension is approved and payments aren't paid by the June 1, 2020, grace period deadline the interest will be calculated retro back to the May 1, 2020 due date.

Administrator McHose clarified that this executive order does not release municipalities of their obligation to pay its portion of County and School taxes on time.

A discussion continued on Borough revenues and extending the property taxes payment deadline grace period.

Mr. Skellenger made a motion to extend the grace period as per Executive Order 130 to June 1, 2020, if the payment isn't made by June 1, 2020, the interest and penalties are retroactive back to May 1, 2020. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Zydon commented on Governor Murphy's road map. "This is a joke and this is not even giving anybody any hope that New Jersey's ever going to come out of this economic funk."

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Zydon made a motion to adjourn the meeting at 8:30p.m., seconded by Mr. Postas. All were in favor.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk