

**TOWNSHIP OF FRANKFORD
REGULAR COMMITTEE MEETING
Tuesday, June 9, 2020**

MINUTES

STATEMENT OF PUBLIC NOTICE

Mayor Carney read the following statement: Notice of this meeting has been sent to a newspaper of general circulation in which notice was given of the date, time, place and general agenda in accordance with the Open Public Meetings Act. This agenda is subject to change by order of the Township of Frankford Committee before and/or during this scheduled meeting.

ROLL CALL

This meeting was called to order by Mayor Carney. Those present at the time of roll call were Mayor Carney, Committeeman Risdon, Deputy Mayor Ayers. Also present was Acting Municipal Clerk, Lori Nienstedt, and Township Attorney Kevin Benbrook. Committeeman Civitan, and Committeeman Castimore arrived following the presentation of the Proclamation.

The **FLAG SALUTE** was conducted by Mayor Carney.

PROCLAMATION AND RECOGNITION DRIVE

A Proclamation for the month of June honoring Army SPC Connor Phillips was read by Mayor Carney. In addition to the Proclamation, Mr. Phillips name was installed on a street sign on Recognition Drive for the entire month of June.

Additionally, requests for Jon Frato and Andrew Retz as Recognition Drive honorees were brought to the Clerk. Ms. Nienstedt with be confirming with Katie Brady to see if October and November, respectively, are free to honor these gentlemen.

A motion was made by Deputy Mayor Ayers to recommend Jon Frato for Recognition Drive, seconded by Committeeman Risdon. All in favor. Motion carried.

A motion was made by Committeeman Risdon to recommend Andrew Retz for Recognition Drive, seconded by Deputy Mayor Ayers. All in favor. Motion carried.

APPROVAL OF PREVIOUS MEETING MINUTES:

1. May 12, 2020 – Regular Committee Meeting
2. May 12, 2020 – Executive Session Meeting

A motion was made by Committeeman Risdon to approve the May 12, 2020 Regular Committee Meeting Minutes and Executive Session Meeting Minutes, seconded by Deputy Mayor Ayers. All in Favor. Motion Carried.

CONSENT AGENDA:

1. **RESOLUTION 2020-042** – RESCINDING PROHIBITION ON SHORT-TERM RENTALS
2. **RESOLUTION 2020-043** - AUTHORIZING TEMPORARY OUTDOOR DINING
3. **RESOLUTION 2020-044** – RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RIDGE ROAD – SECTION II RESURFACING PROJECT

Motion to approve the Consent Agenda made by Mayor Carney; seconded by Committeeman Risdon. Roll Call Vote – Ayes: Committeeman Risdon, Deputy Mayor Ayers, Mayor Carney. Motion carried.

FIRST READING/INTRODUCTION:

ORDINANCE 2020-004

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE INSTALLATION OF LANDSCAPING AT THE MUNICIPAL BUILDING. TOTAL COST OF THE INSTALLATION IS \$7,000, APPROPRIATING A SUM OF \$7,000.00 FROM THE CAPITAL IMPROVEMENT FUND IN THE CAPITAL TRUST FUND

Motion to introduce Ordinance 2020-004 made by Committeeman Risdon, seconded by Deputy Mayor Ayers. Roll Call Vote – Ayes: Deputy Mayor Ayers, Committeeman Risdon, Mayor Carney. With all ayes and no nays, Motion carried.

CORRESPONDENCE:

Will Squier expressed concern regarding “jake-braking” in the area of the Frankford School. Attorney Benbrook will be contacting Township Engineer, Harold Pellow, about reaching out to the DOT with this issue. Ms. Nienstedt will reply to Mr. Squier indicating that Rt. 206 is a State road so it is out of our jurisdiction, and that Mr. Benbrook is reaching out to Mr. Pellow.

Frankford Land Use Board presented their 2019 Land Use Board Review of Applications. No action necessary.

Aldo Sayre sent a thank you letter on behalf of himself and his wife for the recognition of their efforts in the community during the month of May with their individual proclamations and Recognition Drive sign.

PUBLIC COMMENT:

Kathy MacMillan – 171 East Shore Culver Road – Mrs. MacMillan requested an update regarding an issue on 14th Street and East Shore Culver Road. Mayor Carney reported that Mr. Pellow will be visiting the site this week to inspect the grade of the land where the issue seems to be emanating. Mayor Carney will be following up with Mr. Pellow this Friday.

DEPARTMENT REPORTS:

1. Animal Control Officer Report – May 2020
2. DPW Report – May 2020
 - Ms. Nienstedt read a thank you letter on behalf of Mark Yetter recognizing several businesses that helped the Township in the past few months; Mosefund Farm, Wantage Excavating, and Brian Clouse from Landscapes Unlimited. Mayor Carney requested Ms. Nienstedt send out Thank You letters to each of the business owners.
 - Mayor Carney spoke regarding the concerns expressed by the Tiptons on Kymer Road with speeders. Mr. Yetter installed dual Stop signs at the end of Kymer to curb the speeding.
3. Tax Collector’s Report – May 2020

- Scandia Spa – The Scandia Spa foreclosure was put on hold due to the COVID-19 crisis. According to Mr. Benbrook, Scandia Spa is supposed to be sold by the end of June. If they are not sold, unless Scandia Spa makes an application to the Bankruptcy Court starting July 1, their bankruptcy matter will be dismissed. Since that is the case and with the current foreclosure being on hold, Mr. Benbrook wishes to file an amended complaint to place that property back in for foreclosure. He estimates completion by year end.
 - The Dell foreclosure will start processing final judgement and is expected to be completed by year end.
 - Mayor Carney commented on the results of Tax Collector, Steve Lance, with regard to his taxes collection rate. Additionally, he recognized Mr. Lance as Employee of the Month.
4. Zoning Report – May 2020
- Mayor Carney spoke with Zoning Officer, Ann Bell, who reported that there seems to be year-round residents at Edgemont Campground, in addition to other violations. As more information becomes available, it will be shared.
5. Treasurer’s Report – May 2020

TOWNSHIP CLERK REPORT

- **Perry Road Apartment**

A tenant was chosen for the Perry Road Apartment. Attorney Benbrook created a one-year lease agreement, with occupancy beginning on Monday, June 15, 2020 and ending on June 15, 2021.

Motion to approve the lease agreement was made by Deputy Mayor Ayers, seconded by Committeeman Risdon. All in favor. Motion carried.

- **Re-Open Municipal Building**

Motion to open the Frankford Municipal Building on Monday, July 13, 2020 made by Committeeman Civitan, seconded by Deputy Mayor Ayers. All in favor, Motion carried.

- **Election Update**

Firehouse #1 will be the only polling location during the Primary election in Frankford. Only visually disabled individuals may vote using the voting machine. All others who show up at the polls will be given a provisional, paper ballot. Voters will not be allowed to bring their mail-in ballots to submit.

Newton, Hardyston, Hopatcong, Sparta, and Vernon Townships will have ballot drop boxes at their Municipal Buildings.

TOWNSHIP ATTORNEY REPORT

- Courts are still operating remotely but may start opening up in June. They are currently operating remotely.
- The Outdoor Dining Resolution was crafted as could be seen on the current agenda.

TOWNSHIP COMMITTEE REPORTS

- **Deputy Mayor Ayers** reported that the Open Space Committee had their first meeting since the building closed due to COVID-19. They were approached by the Culver Lake Watershed Foundation regarding a request for funding to assist in the purchase of approximately 92 acres currently known as the Culver Lake Golf Course. The plan is to preserve the land for recreational use. The Open Space Committee referred them directly to the Township Committee.

The farm preservation of Dr. Sam Castimore's property on Rt. 565 East is moving forward. Bob Canace and Deputy Mayor Ayers will meet with the tenants of Dry Brook regarding mowing trails, removing invasive Autumn Olive and Roosevelt Rosebushes.

- **Committee Risdon** reported a concern that he received from Janice Cerra on Pine Cone concerning a turnaround. The Committee agreed that there was nothing that could be done and if Ms. Cerra wished to comment at the end of the meeting, she was free to do so.
- **Mayor Carney** spoke regarding a conversation he held with Mayor Tony Frato of Branchville regarding the reservoir that feeds Frankford Park. Deputy Mayor Ayers said he would like to accompany Mayor Carney to a possible meeting with the Branchville Council.

Regarding Frankford Park, Mayor Carney said that non-organized sports practices are underway. The playground equipment is still not to be used according to current guidelines. Individuals are ripping the caution tape off of the playground equipment, which is causing an environmental issue as it is not bio-degradable. Mr. Benbrook suggested that the Township dispense with the tape and continue using the signs that are already in place due to the negative environmental impact.

FIRST READING/INTRODUCTION:

ORDINANCE 2020-005 – AN ORDINANCE TO RENAME NEW STREET - TABLED

Motion to introduce Ordinance 2020-005 was made by Committeeman Castimore, seconded by Committeeman Civitan.

A Motion amending the introduction of Ordinance 2020-005 to a motion to table was made by Committeeman Castimore, seconded by Committeeman Civitan. All in favor. Motion carried.

NEW BUSINESS:

- **School Budget**

A meeting was held last week with the mayors of the five sending districts that go to High Point Regional High School in which Frankford was invited to participate in two items:

 - Appeal the 14% budget increase
 - Approve a Resolution to change voting from November to April

Since no motion was made to participate with the other townships in appealing the budget increase, the issue died.

Mr. Benbrook explained that moving the school election from November to April would require agreement from all sending districts and would likely cost an additional \$40k-\$50k. He recommended that the Township table this item for more discussion.

- **Sussex County Fairgrounds**

Mr. Mike Richards, Manager for the Sussex County Fairgrounds, approached the Committee for support of various programs such as concerts and drive-in movies to help recoup monies lost due to closure from COVID-19.

Mr. Benbrook developed a Resolution during the meeting for immediate Committee approval to aid the Fairgrounds in getting started with their planning. The Resolution, to be **Resolution 2020-045**, will be formally written after the meeting, details the following:

- No event shall continue past 11:00 p.m., with the exception that drive-in movies may continue until midnight; and
- Events permitted by this Resolution shall be permitted to commence June 15, 2020 and shall extend through November 30, 2020; and
- All municipal fees associated with the review and approval of any events shall be waived for the year 2020.

Motion to adopt Resolution 2020-045 made by Committeeman Civitan, seconded by Deputy Mayor Ayers. Roll-Call Vote – Ayes: Committeeman Civitan, Mayor Carney, Deputy Mayor Ayers, Nays – Committeeman Castimore, Abstain – Committeeman Risdon. With a majority of ayes, Motion carried.

- **Culver Lake Golf Course**

The Culver Lake Watershed Conservation Foundation approached the Open Space Committee with their request for approximately \$75k in financial support from the Township for the purchase of the Culver Lake Golf Course. Due to the fact that the request involved funding, the Open Space Committee referred it directly to the Township Committee for review.

Mayor Carney suggested that the issue go back to the Open Space Committee where they can make a recommendation to the Township Committee.

- **FIRST READING/INTRODUCTION:**

ORDINANCE 2020-006 - AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF A WELDER/GENERATOR. THE TOTAL COST OF THE EQUIPMENT IS \$15,000, APPROPRIATING A SUM OF \$15,000 FROM A RESERVE IN THE CAPITAL TRUST FOR THE RESERVE FOR THE PURCHASE OF ROAD EQUIPMENT

Committeeman Civitan made a motion to introduce Ordinance 2020-006, seconded by Committeeman Castimore. Roll Call Vote – Ayes: Committeeman Risdon, Committeeman Civitan, Mayor Carney, Deputy Mayor Ayers, Committeeman Castimore. With all ayes and no nays, Motion carried.

PUBLIC COMMENT

Motion to open to the public made by Committeeman Castimore, seconded by Committeeman Risdon.

- Mike Fox requested signs be put in place at the at the Firehouse for the July 7th Primary election to ensure that voters park in the proper area of the building. Ms. Nienstedt stated she is taking care of that.
- Rich Ferruggia of the Culver Lake Watershed Conservation Foundation stated that he will go back to the Open Space Committee to acquire their recommendation for the Culver Lake Golf Course purchase.

Motion to close to the public made by Committeeman Castimore, seconded by Committeeman Civitan. All in favor. Motion carried.

BILLS LIST APPROVAL: For Bills from May 13 – June 5, 2020

Motion to approve Bills List made by Committeeman Risdon, seconded by Committeeman Civitan.

Ayes: Committeeman Risdon, Committeeman Civitan, Mayor Carney, Committeeman Castimore, Deputy Mayor Ayers. With all ayes and no nays, motion carried.

ADJOURNMENT

A motion was made by Committeeman Civitan to adjourn the public meeting, seconded by Committeeman Risdon. All in favor. Motion carried.

Attested: _____

Lori Nienstedt, Acting Municipal Clerk

TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION 2020-042

RESOLUTION RESCINDING THE PROHIBITION ON SHORT TERM RENTALS

WHEREAS, on March 9, 2020 through Executive Order #103, the Governor declared both a public health emergency and a State of Emergency; and

WHEREAS, pursuant to the numerous Executive Orders issued subsequent to March 9, 2020, numerous small business and sole proprietors have been prevented from engaging in their livelihood in an effort to flatten the curve on the Coronavirus pandemic and ensure the ability of the State's healthcare system to handle citizens in need of critical care related to the COVID-19 virus; and

WHEREAS, through the diligence of the residents of Frankford Township and residents throughout the County of Sussex in the State of New Jersey, the curve has successfully been flattened and, particularly in Sussex County and Frankford Township, new cases have declined dramatically; and

WHEREAS, in recognition of the successful diligence and sacrifice of the Township's residents, the Mayor and Committee have determined that it is time to begin reopening businesses within the Township while following social distancing and cleaning/sanitizing protocols.

NOW THEREFORE IT BE RESOLVED by the Governing Body of the Township of Frankford and pursuant to Administrative Order #2020-8 of the Office of Emergency Management of the State of New Jersey, the prohibition on short-term rentals in the Township of Frankford implemented pursuant to Resolution 2020-035 - Prohibiting Short Term Rentals During The Public Health Emergency be and hereby is RESCINDED.

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Frankford Township Committee on June 9, 2020.

Lori Nienstedt, Administrator, Acting Municipal Clerk

TOWNSHIP OF FRANKFORD

SUSSEX COUNTY, NEW JERSEY

RESOLUTION NO. 2020-043

RESOLUTION AUTHORIZING TEMPORARY OUTDOOR DINING

WHEREAS, since March 15, 2020, restaurants in Frankford Township have been greatly impacted due to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order No. 104 which limited restaurants to providing take-out food only, and on June 3, 2020, Governor Murphy issued Executive Order No. 150 which provided for the ability of restaurants to open outdoor dining for food and beverage consumption, including alcoholic beverages, subject to municipal approval; and

WHEREAS, the Frankford Township Committee wishes to provide relief to those restaurants being impacted by COVID-19 by allowing temporary outdoor seating in accordance with Executive Order No. 150.

NOW, THEREFORE, BE IT RESOLVED, that the Frankford Township Committee, in the County of Sussex, State of Jersey, hereby approves in-person service by all food and beverage establishments within the Township at contiguous outdoor areas under the possession and control of the owner or licensee of the food and beverage establishment; and

BE IT FURTHER RESOLVED, that all holders of liquor licenses with retail consumption privileges are hereby approved for an ABC COVID-19 Expansion of Premises Permit, in accordance with the rules and regulations established by the Division of Alcoholic Beverage Control, and the Township Clerk be and hereby is authorized to endorse any such application; and

BE IT FURTHER RESOLVED, that all food and beverage establishments within the Township that wish to incorporate the use of outdoor dining must continue to follow the rules and regulations set forth by Governor Murphy, the New Jersey Department of Health's Executive Directive 20-014, as the same may be amended from time to time, the Sussex County Department of Health, as well as all other applicable local, state and federal laws; and

BE IT FURTHER RESOLVED, the total number of seats/customers at one time must not exceed the total permitted restaurant capacity and must not impede pedestrian circulation, parking, or the public right-of-way; and

BE IT FURTHER RESOLVED, restaurants may display one temporary sign to notify the public of dining options and restrictions so long as the signage does not interfere with public safety; and

BE IT FURTHER RESOLVED that outdoor dining permitted by this Resolution shall be permitted to commence at 6:00 a.m. on Monday, June 15, 2020 and shall extend through November 30, 2020.

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Frankford Township Committee on June 9, 2020.

Lori Nienstedt, Administrator, Acting Municipal Clerk

TOWNSHIP OF FRANKFORD

COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION No. 2020-044

RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RIDGE ROAD – SECTION II RESURFACING PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Frankford Township Committee of the Township of Frankford, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Ridge Road–Section II Resurfacing-00344 to the New Jersey Department of Transportation on behalf of Frankford Township.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Frankford Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Frankford Township Committee on June 9, 2020.

Lori Nienstedt, Administrator, Acting Municipal Clerk

**TOWNSHIP OF FRANKFORD
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION NO. 2020-45

**RESOLUTION AUTHORIZING THE SUSSEX COUNTY FAIRGROUNDS
TO CONDUCT INDOOR/OUTDOOR EVENTS**

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order No. 103 which declared both a public health emergency and state of emergency, which said Order has been extended through Executive Order Nos. 119, 138 and 151; and

WHEREAS, the Sussex County Fairgrounds is a non-profit organization that relies exclusively on festivals, concerts, fairs and other similar events to generate its income, and the state of emergency has resulted in the inability to conduct these events; and

WHEREAS, Governor Murphy has issued Executive Order No. 152, pursuant to which he has relaxed some of the existing restrictions on indoor and outdoor events; and

WHEREAS, the Frankford Township Committee wishes to provide relief to the Sussex County Fairgrounds such as to permit it to conduct indoor/outdoor events, including but not limited to, concerts and drive-in movies, in order to generate income for its continued operation and to provide much-needed recreational/entertainment opportunities for the community.

NOW, THEREFORE, BE IT RESOLVED, that the Frankford Township Committee, in the County of Sussex, State of Jersey, hereby authorizes the Sussex County Fairgrounds to conduct indoor/outdoor events, provided that the conduct of all such events shall be consistent with the guidelines established in Executive Order No. 152, as the same may be modified by subsequent Executive Order, the Sussex County Department of Health, as well as all other applicable local, state and federal laws; and

BE IT FURTHER RESOLVED, that no event shall continue past 11:00 p.m., with the exception that drive-in movies may continue until midnight; and

BE IT FURTHER RESOLVED, that the events permitted by this Resolution shall be permitted to commence immediately and shall extend through November 30, 2020; and

BE IT FURTHER RESOLVED that all municipal fees associated with the review and approval of any events shall be waived for the year 2020.

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Frankford Township Committee on June 9, 2020.

Lori Nienstedt, Administrator, Acting Municipal Clerk
TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE 2020-004

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE INSTALLATION OF LANDSCAPING AT THE MUNICIPAL BUILDING. TOTAL COST OF THE INSTALLATION IS \$7,000, APPROPRIATING A SUM OF \$7,000.00 FROM THE CAPITAL IMPROVEMENT FUND IN THE CAPITAL TRUST FUND

BE IT ORDAINED by the Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, as follows:

Section 1. The funding for the Installation of the Landscaping at the Municipal Building not to exceed \$7,000, which is hereby appropriated for such purposes from the Capital Improvement Fund located in the Capital Trust Fund.

Section 2. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a meeting of the Committee of the Township of Frankford held on June 9, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 14, 2020 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 151 US Highway 206, Augusta, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Lori Nienstedt, Administrator
Acting Municipal Clerk

**FRANKFORD TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2020-006

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF A WELDER/GENERATOR. THE TOTAL COST OF THE EQUIPMENT IS \$15,000, APPROPRIATING A SUM OF \$15,000 FROM A RESERVE IN THE CAPITAL TRUST FOR THE RESERVE FOR THE PURCHASE OF ROAD EQUIPMENT

BE IT ORDAINED by the Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, as follows:

Section 1. The funding for the Purchase of a Welder/Generator not to exceed \$15,000, which is hereby appropriated for such purposes from the Reserve for the Purchase of Road Equipment located in the Capital Trust Fund.

Section 2. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a meeting of the Committee of the Township of Frankford held on June 9, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on July 14, 2020 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 151 US Highway 206, Augusta, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Lori Nienstedt, Administrator
Acting Municipal Clerk