

**REGULAR AGENDA**  
**FOR THE MAYOR AND COUNCIL MEETING**  
**BOROUGH OF FRANKLIN,**  
**HELD AT THE MUNICIPAL BUILDING, 46 MAIN STREET**  
**FRANKLIN, NEW JERSEY AT 7:00 P.M. ON**  
**NOVEMBER 10, 2020**

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- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "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."
- D. **PRESENTATIONS**  
Walkkill Valley FBLA – 2020-2021 Partnership with Business Project.
- E. **COMMITTEE REPORTS: Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

**Mayor Sowden** will offer the Mayor's Report.

- F. **OPEN PUBLIC SESSION: Mayor Sowden** will request a motion to open the meeting to the public, for any questions or comments concerning the good and welfare of the Borough. **All comments should be directed to the Mayor and kept to a 3-minute maximum per person.**

After giving all persons present an opportunity to address the Governing Body, **Mayor Sowden** will request a motion to close the meeting to the public and return to the regular order of business.

- G. **CONSENT AGENDA: Mayor Sowden** will request that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made, at this time.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Mayor Sowden will request a motion to approve the consent agenda.

- H. **OLD BUSINESS:**

- I. **NEW BUSINESS:**

1. **Approval of the Minutes**

A motion is in order to approve the regular meeting minutes for October 27, 2020. (Absent: None)

2. **Resolution #2020-81**

A motion is in order adopt resolution 2020-81 resolution of the Governing Body of the Borough of Franklin to accept project as complete for proposed resurfacing of various roads (Paddock Road, Newton Street and Susquehanna Street). (Thomas Knutelsky, Borough Engineer letter of recommendation dated October 27, 2020, provided in the Council packets.)

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING NOVEMBER 10, 2020**

3. Resolution #2020-82

A motion is in order to adopt resolution #2020-82 to approve the coin toss Fundraisers for the Franklin Fire Department for the year 2021 on January 30<sup>th</sup> and 31<sup>st</sup>, May 1<sup>st</sup> and 2<sup>nd</sup>, August 7<sup>th</sup> and 8<sup>th</sup> and November 20<sup>th</sup> and 21<sup>st</sup>.

4. Resolution 2020-83

A motion is in order to adopt Resolution 2020-83 person to person, place to place transfer of liquor license 1906-33-008-009 issued to Stone Hill Recreation SPE, LLC for the premises located at Route 23 North, Franklin, NJ 07416 (Application for transfer provided in the Council packets.)

5. Resolution 2020-84

A motion is in order to adopt resolution 2020-84 awarding contract for Well Rehabilitation to Samual Stothoff Co., Inc. in the amount of \$41,300.00.

6. Adoption of Ordinance #12-2020

A motion is in order 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”.

**Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 12-2020.**

7. Adoption of Ordinance 14-2020

A motion is in order to adopt ordinance 14-2020 entitled “ORDINANCE PARTIALLY VACATING NESTOR STREET RIGHT-OF-WAY IN THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”.

**Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 14-2020.**

8. Introduction of Ordinance 15-2020

A motion is in order to introduce ordinance 15-2020 entitled “ORDINANCE OF THE FRANKLIN BOROUGH COUNCIL AMENDING THE CODE OF THE BOROUGH OF FRANKLIN CHAPTER 56, REGARDING NEPOTISM”.

**Public Hearing will be held on November 24, 2020.**

9. 2020 Best Practices Inventory

A motion is in order to accept the 2020 best practices inventory prepared by the CFO, Administrator and the Clerk as required by the Division of Local Government Services.

J. EXECUTIVE SESSION – IF REQUESTED

**Mayor Sowden** will request a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES,

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING NOVEMBER 10, 2020**

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

- K. OPEN PUBLIC SESSION II: Mayor Sowden will request a motion to open the meeting to the public, for any questions or comments concerning the good and welfare of the Borough. **All comments should be directed to the Mayor and kept to a 3-minute maximum per person.**

After giving all persons present an opportunity to address the Governing Body, Mayor Sowden will request a motion to close the meeting to the public and return to the regular order of business.

- L. MISCELLANEOUS COMMENTS: Mayor Sowden will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.
- M. ADJOURNMENT: Mayor Sowden will request a motion to adjourn the meeting.

**Resolution No. 2020-81**

**RESOLUTION OF THE GOVERNING BODY  
OF THE BOROUGH OF FRANKLIN  
TO ACCEPT PROJECT AS COMPLETE FOR  
PROPOSED RESURFACING OF VARIOUS STREETS  
(PADDOCK ROAD, NEWTON STREET AND SUSQUEHANNA STREET)**

**WHEREAS**, Tilcon New York, Inc. performed a project for Proposed Resurfacing of Various Streets (Paddock Road, Newton Street and Susquehanna Street); and

**WHEREAS**, the project is now complete; and

**WHEREAS**, the municipal engineer has recommended in his letter dated October 27, 2020 that the project be accepted by the Council as complete;

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council of the Borough of Franklin that the project performed by Tilcon New York, Inc., for the Proposed Resurfacing of Various Streets (Paddock Road, Newton Street and Susquehanna Street) is accepted as complete.

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on November 10, 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX  
RESOLUTION # 2020-82**

**RESOLUTION #2020-82 OF THE GOVERNING BODY OF THE  
BOROUGH OF FRANKLIN FOR A COIN TOSS FUNDRAISER**

**WHEREAS,** the Franklin Fire Department benefits the Borough of Franklin by providing fire services;

**WHEREAS,** the Franklin Fire Department has requested approval of coin toss fundraisers for the year 2021 on January 30<sup>th</sup> and 31<sup>st</sup>, May 1<sup>st</sup> and 2<sup>nd</sup>, August 7<sup>th</sup> and 8<sup>th</sup>, and November 20<sup>th</sup> and 21<sup>st</sup>;

**WHEREAS,** the coin toss fundraisers will occur at the location of the intersection of State Route 23 North and South and Mabie Street;

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council of the Borough of Franklin that the Franklin Fire Department coin toss fundraisers for the year 2021 January 30<sup>th</sup> and 31<sup>st</sup>, May 1<sup>st</sup> and 2<sup>nd</sup>, August 7<sup>th</sup> and 8<sup>th</sup>, and November 20<sup>th</sup> and 21<sup>st</sup>, are hereby approved contingent upon receiving any necessary County or NJDOT approval and further contingent upon complying with any requests, recommendation or directions of the Franklin Borough Police Department.

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting of said Governing Body held on November 10, 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX**

**RESOLUTION 2020-83  
PERSON TO PERSON - PLACE TO PLACE TRANSFER**

**WHEREAS**, an application has been filed for a person-to-person, place-to-place transfer of Plenary Retail Consumption License 1906-33-008-009, heretofore issued to Stone Hill Recreation SPE, LLC for the premises located at Route 23 North, Franklin, NJ 07416, and for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Franklin Governing Body does hereby approve, effective November 10, 2020, the Person-to-Person and Place-to-Place, Plenary Retail Consumption License issued to Stone Hill Recreation Corp. and the expansion of the aforesaid premises located at Route 23 North, Franklin, NJ 07416, with a mailing address of 3621 Route 94, Hamburg, NJ 07419, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Stone Hill Recreation SPE, LLC, effective November 10, 2020.

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on the date of November 10, 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**Resolution No. 2020-84**

**RESOLUTION OF THE GOVERNING BODY  
OF THE BOROUGH OF FRANKLIN AWARDING CONTRACT FOR  
WELL REHABILITATION**

**WHEREAS**, the Borough of Franklin solicited bids for a project known as the “Proposed Well Rehabilitation”;

**WHEREAS**, the bids were received on November 5, 2020;

**WHEREAS**, there were two (2) bids received;

**WHEREAS**, the lowest responsive and responsible bid received was from Samuel Stothoff Co., Inc., 59 Route 31, Flemington, NJ 08822 in the amount of \$41,300.00;

**WHEREAS**, the Borough W/S Engineer has reviewed the proposals and is recommending the award of the contract to Samuel Stothoff Co., Inc., 59 Route 31, Flemington, NJ 08822 for the rehabilitation of Well A;

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C. 5:34-5.1 ET SEQ, I Deborah Bonanno, Treasurer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

\_\_\_\_\_  
Deborah Bonanno, CFO/QPA

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Franklin that a contract for the Proposed Rehabilitation of Well “A” is awarded to Samuel Stothoff Co., Inc. in the amount of \$41,300.00.

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on November 10, 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**BOROUGH OF FRANKLIN**

**ORDINANCE No. 12-2020**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AMENDING SECTION 161-24 REGARDING FENCES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Franklin Borough Code is amended as follows:

**SECTION I.**

Section 161-3 is amended to add the following definition:

**FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

**SECTION II.**

Subsection 161-24(E) is replaced as follows:

Section 161 – 24(E) Fences and Walls. All of the regulations of this section apply to both residential and commercial zones unless noted.

- (1) Fences and freestanding walls in excess of 18 inches in height shall be considered as accessory structures and are permitted in accordance with the standards set forth. Fences or freestanding walls that are 18 inches or less in height are not subject to regulation.
- (2) Fences 48 inches or higher require a permit from the zoning inf officer. Lower fences do not require a permit. Repairs and replacement in the same location and with the same material do not require a permit.
- (3) Solidity of Fence/Height of Fence.
  - (a) The calculation of the percentage of a fence considered to be “solid” is based on the total area of the solid elements of a fence (whether or not an element is clear, transparent or translucent) divided by the total area of the fence. The area of the solid elements shall not include the posts nor any typical crossmember/stringer of a fence panel to support or stiffen the same. The fence area shall be the area enclosed by the geometric shape formed by connecting each point on the outer edges of the solid elements of a section of fence between two posts (i.e. “the panel”). Mesh privacy screening on a fence shall be considered 100% solid.
  - (b) The nominal height of a fence shall be measured from the lowest point of the bottom of the panel to the highest point of the top of the panel. The elevation height of a fence shall be calculated by measurement from the finished grade plus two inches for ground clearance. If the grade below a fence panel is uneven, a maximum



variance of eight inches across the width of the panel is allowed. If the topography is sloped, the fence panels may be installed in a “stepped fashion” or sloped with the grade. Posts and similar elements shall not be included in the height measurement provided they do not exceed the height of the panels by more than one foot.

(2) General Principles and Restrictions.

(a) The finished side of all fence surfaces shall face adjacent properties.

(b) No fence shall be erected of barbed wire, razor wire or concertina wire or contain an electric charge or similar harmful elements. This restriction shall be inapplicable to barbed wire or electric fences used on farms. This restriction on electric fences shall be inapplicable to fences meeting UL standards and installed per manufacturer's standards and latest NEC standards and used as a means to enclose, corral or protect animals, crops or vegetation, provided warning signs are placed on the fence and the area enclosed is reasonably located to effectuate the purpose of the fence. In a commercial zone, a fence enclosing a lot may be topped by no more than three strands of barbed wire, which wire is no closer to the ground than six feet.

(c) Subject to (b) above, no fence or wall shall be constructed in any manner or location that renders it dangerous to persons, animals or property.

(d) No fence or wall shall be erected in a prescribed sight triangle or so as to interfere with the required sight distance for a driveway or in a location that presents a hazard to the safe operation of a motor vehicle.

(e) No fence anywhere in a front yard, including a fence running along or approximately parallel to a side lot line within a front yard, shall be more than four feet in nominal height or four feet two inches in elevation height or more than 50% solid. In a commercial zone, no fence anywhere in a front yard, including a fence running along or approximately parallel to a side lot line within a front yard, shall be more than six feet in nominal height or six feet two inches in elevation height or more than 50% solid. In an industrial zone, the height limit shall be than eight feet in nominal height or eight feet two inches in elevation height.

(f) No fence, running substantially along a rear lot line, or approximately parallel thereto, or otherwise in a rear yard, and no fence running substantially along a side lot line or approximately parallel thereto or otherwise in a side yard, shall exceed six feet in nominal height or six feet two inches in elevation height. However, where a rear yard or side yard of a corner lot abuts a side lot line and front yard of an adjacent lot, then in no event shall a fence in such rear or side yard on the corner lot exceed four feet in nominal height or four feet two inches in elevation height, or be no more than 50% solid for such portion thereof which lies parallel to or otherwise substantially alongside the front yard of the adjacent lot.

(g) Fences and walls shall not be erected in a street right-of-way, but may be erected on the lot side of a street right-of-way, provided they are set back a minimum of six inches from the right-of-way and are not installed so as to constitute a traffic or other hazard.

(h) Walls of masonry or natural stone (not retaining walls), such as New England drywalls and rows of fieldstone, shall not exceed a height of four feet.

(i) The following fences and fencing materials are specifically prohibited or regulated as follows:

- i. Barbed wire, razor wire, concertina wire or other hazardous construction or material except as permitted in (b) above;
- ii. Canvas, fabric or cloth fences, except electrified ribbon or mesh fences as permitted in (b) above. This does not prohibit installation of mesh privacy screening on a permitted fence, provided it does not render such fence in violation of the limits of solidity;
- iii. Electrically charged fences except as permitted in (b) above;
- iv. Temporary fences, such as snow or silt fences, except as the latter may be necessary during development or other approved land disturbance or to actively control snow or to enclose, corral or protect animals, crops or vegetation or temporarily restrict access whereas access would present a potential for property damage or personal injury, provided the same do not remain in place for more than 180 days consecutively or 180 days nonconsecutively in any 365 day period;
- v. Plastic slats or other inserts in chain link fences;

(j) Any fence, wall or similar structure which substantially cuts off light or air or which may cause a nuisance, dangerous condition or a substantial fire-fighting impediment is prohibited.

(k) Chain link or other wire fencing shall be installed such that the closed loop edge shall be at the top, and no part of such fencing shall be located within a front yard, including a fence running along or approximately parallel to a side line within a front yard.

(l) Swimming pool fences. Every private swimming pool shall have a fence enclosure which complies with International Building Code. No electric fence shall be installed to enclose a pool or within eight feet of a pool.

(m) Any fence or wall installed along a property boundary line shall be set back from the line a minimum of six inches.

(n) A fence installed along the top of a retaining wall shall be a minimum of three feet in height, or such height as required by the building code, whichever is greater. The total height of a retaining wall and the fence along the top thereof shall not exceed eight feet. In commercial zones, the height shall not exceed ten feet.

(o) The total height of a berm and a fence on top thereof shall not exceed eight feet from the average survey grade at the base of the berm.

(p) The provisions hereof shall not apply to fences or walls which legally existed or for which permits have been issued as of the effective date of this Ordinance, provided the owner can produce credible proof of the same. The same may be maintained and repaired, but should more than 50% of any fence or wall require replacement or be voluntarily replaced after the effective date hereof, the same must comply with the requirements herein.

**SECTION III**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION IV**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION V**

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

**BOROUGH OF FRANKLIN**

\_\_\_\_\_  
Darlene J. Tremont, CLERK

\_\_\_\_\_  
BY: John M. Sowden IV, MAYOR

DATED: November 10, 2020

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 22, 2020, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on November 10, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

\_\_\_\_\_  
Darlene J. Tremont  
Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10<sup>th</sup> day of November, 2020.

\_\_\_\_\_  
 Darlene J. Tremont, Clerk  
 Borough of Franklin

\_\_\_\_\_  
 John M. Sowden IV, Mayor

Introduced: September 22, 2020

Adopted: November 10, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					X
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X				X	
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
JOSEPH LIMON						
JOHN POSTAS COUNCIL PRESIDENT						
STEPHEN SKELLENGER						
GILBERT SNYDER						
STEPHAN ZYDON, JR.						
MAYOR SOWDEN, IV (Tie Only)						

NOT YET APPROVED BY MAYOR AND COUNCIL

**ORDINANCE NO. 14-2020**

**ORDINANCE PARTIALLY VACATING NESTOR STREET  
RIGHT-OF-WAY IN THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

**WHEREAS**, there exists in the Borough of Franklin Nestor Street; and

**WHEREAS**, the Borough wishes to release and extinguish the public's rights or whatever ownership rights it has in and to a section of the existing right-of-way with the exception of retaining a right to plow snow and discharge storm water run off; and

**WHEREAS**, the Franklin Borough Council does hereby determine that the aforementioned right-of-way as depicted on Schedule A attached is no longer needed for public purposes; and

**WHEREAS**, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from a dedication of a street or right-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Franklin, Sussex County, New Jersey, as follows:

**SECTION A**

1. The rights of the public and the Borough of Franklin, whatever they may be, in and to the portion of Nestor Street as depicted in Schedule "A" is hereby extinguished and vacated with the exception the reservations herein;

2. The remaining portion of Nestor Street is retained as a municipal right-of-way.

3. The Borough of Franklin reserves an easement to plow snow onto the vacated area and the right to discharge stormwater and runoff onto and through the vacated area.

4. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be

mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Sussex in accordance with the provisions of N.J.S.A. 40:67-21.

**SECTION B**

The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

**SECTION C**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION D**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION E**

This Ordinance shall take effect immediately upon final publication as provided by law

ATTEST:

BOROUGH OF FRANKLIN

\_\_\_\_\_  
DARLENE J. TREMONT, CLERK

\_\_\_\_\_  
JOHN M. SOWDEN IV, MAYOR

DATED: November 10, 2020

**SCHEDULE A**

**Description of Vacated Right-of-Way**

**Southerly Portion of  
Nestor Street to be  
Vacated (33' x 28.38')  
South of Fence & Gate**

**NOT YET APPROVED BY MAYOR AND COUNCIL**

**NOTICE**

TAKE NOTICE that the above entitled Ordinance #14-2020 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on October 27, 2020 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on November 10, 2020 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10<sup>th</sup> day of November, 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

\_\_\_\_\_  
John M. Sowden IV, Mayor

Introduced: October 27, 2020

Adopted: November 10, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X				X	
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					X
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
JOSEPH LIMON						
JOHN POSTAS COUNCIL PRESIDENT						
STEPHEN SKELLENGER						
GILBERT SNYDER						
STEPHAN ZYDON, JR.						
MAYOR SOWDEN, IV (Tie Only)						



ORDINANCE NO. 15-2020

ORDINANCE OF THE FRANKLIN BOROUGH COUNCIL  
AMENDING THE CODE OF THE BOROUGH OF FRANKLIN  
CHAPTER 56, REGARDING NEPOTISM”

BE IT ORDAINED by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey the Franklin Borough Code entitled, “Personnel Policies” be amended as follows:

**SECTION 1.**

Chapter 56 is modified to add subsection §56-1S as follows:

§56-1S. No person who is related to a Borough elected office holder, department head, the Borough Clerk, Tax Assessor, Chief Financial Officer, Tax Collector or a person employed on a full-time basis shall be employed by the Borough, except for employment in a part-time seasonal or per diem position. A relation for the purpose of this section is defined as brother, sister, husband, wife, life partner, son, daughter, ward, son-in-law, daughter-in-law, brother-in-law, sister in-law, father, mother, father-in-law, mother in-law, grandmother, grandfather, grandson and granddaughter.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

**SECTION 3.** If any section, paragraph, subdivision or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

**BOROUGH OF FRANKLIN**

\_\_\_\_\_  
Darlene J. Tremont, CLERK

\_\_\_\_\_  
BY: John Sowden, MAYOR

DATED:

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on November 10, 2020, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on November 24, 2020, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

\_\_\_\_\_  
Darlene J. Tremont  
Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the    day of    , 2020.

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

\_\_\_\_\_  
John M. Sowden IV, Mayor

Introduced:

Adopted: