

**REGULAR AGENDA**  
**FOR THE MAYOR AND COUNCIL MEETING**  
**BOROUGH OF FRANKLIN,**  
**HELD VIRTUALLY**  
**AT 7:00 P.M. ON**  
**FEBRUARY 23, 2021**

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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 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**  
Jim Williams, Emergency Management Coordinator – Pre-disaster Mitigation Plan. Alternate emergency route for Route 23 during a motor vehicle accident.
- 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. **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.

- G. **OLD BUSINESS:**

- H. **NEW BUSINESS:**

1. **Approval of the Minutes**

- a. A motion is in order to approve the regular meeting minutes for February 9, 2021. (Absent: None)
- b. A motion is in order to approve the executive session meeting minutes and special meeting minutes for February 18, 2021. (Absent: None)

2. **Resolution #2021-20**

A motion is in order to adopt resolution 2021-20 authorizing the professional services contract for special labor attorney, Matthew J. Giacobbe, of Cleary, Giacobbe, Alfieri, Jacobs, LLC. (proposal provided in Council packets)

3. **Introduction of Ordinance #03-2021**

A motion is in order to introduce ordinance 03-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 10 CREATING A HISTORIC PRESERVATION COMMISSION."

**Public Hearing will be held on March 9, 2021.**

I. 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.

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.

J. 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.

K. MISCELLANEOUS COMMENTS: **Mayor Sowden** will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.

L. ADJOURNMENT: **Mayor Sowden** will request a motion to adjourn the meeting.

**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX  
RESOLUTION #2021-20**

**RESOLUTION #2021-20 AUTHORIZING THE AWARD OF NON-FAIR AND OPEN  
CONTRACTS FOR PROFESSIONAL SERVICES**

**WHEREAS**, there exists a need for engagement of various professional services for the Borough of Franklin as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the purchasing agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of the following contracts are set forth below; and

**WHEREAS**, the following individuals and firms have submitted a proposal indicating they will provide the professional services described below for the stated price said proposal; and

**WHEREAS**, the following individuals and firms have completed and submitted a Business Entity Disclosure Certification which certifies that the following individuals have not made any reportable contributions to a political or candidate committee in the Borough of Franklin in the previous year, and that the contract will prohibit the following individuals and firms from making any reportable contributions through the term of the contract, and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin, authorizes the Mayor to enter into a contract with the following individuals and firms as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and Determination of Value for the following individuals and firms be placed on file with this resolution, and

**BE IT FURTHER RESOLVED** that the following individuals and firms are awarded a contract for providing the professional services for the Borough of Franklin, as indicated:

**Cleary, Giacobbe, Alfieri, Jacobs, LLC** is awarded a contract to provide the services of Special Labor Counsel for the Borough of Franklin for assigned matters for the year 2021 at a rate of \$165 per hour for all attorneys and as applicable according to schedule of rates as detailed in the firm's proposal with a total appropriation not to exceed \$25,000 without additional authorization of the governing body.

**AS REQUIRED** by N.J.S.A.40A:4-57,N.J.A.C.5:34-5.1 ET SEQ, I Deborah Bonanno, Chief Financial Officer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that adequate funds will be available to pay for these services in account 01-201-20-155-041.

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Deborah Bonanno, CFO/QPA

**BE IT FURTHER RESOLVED**, a notice of this action shall be published at least once in the New Jersey Herald.

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Franklin, at their meeting held on February 23, 2021 at 7:00p.m.

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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)				

NOT YET APPROVED BY COUNCIL

**BOROUGH OF FRANKLIN**

**ORDINANCE No. 03-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
MODIFYING CHAPTER 10 CREATING A HISTORIC  
PRESERVATION COMMISSION**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Chapter 10 of the Franklin Borough Code is amended as follows:

**SECTION I**

There is hereby created a Historic Preservation Commission as follows:

Chapter 10.

**ARTICLE III: HISTORIC PRESERVATION COMMISSION**

**§ 10-11. MEMBERSHIP; TERMS; MEETINGS.**

A Historic Preservation Commission (HPC) is hereby established consisting of 5 regular members and 2 alternate members, each of whom shall be appointed by the Mayor, of the following 3 classes:

1. Class A - Persons who are knowledgeable in building design and construction or in architectural history;
  2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history; and
  3. Class C - Persons who are residents of the municipality.
4. There shall be at least one regular member from each class.
5. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.

**B. Terms of Membership.**

1. The term of each regular member shall be 4 years and the term of each alternate member shall be 2 years.
2. Alternate Members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."
3. The term of any member in common with the Planning Board shall be for the term of membership on such Board.

**C. Role of Alternate Members.** Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

**D. Vacancies.** If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term, only.

**E. Compensation.** Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

**F. Removal.** Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

**G. Conflict.** No member or alternate member of the HPC shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Commission on the hearing of such matter, nor shall participate in any discussion or decision.

**H. Organization.** The HPC shall elect from its members a chairman and vice-chairman and select a secretary who may or may not be a member of the HPC or a municipal employee.

I. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission.

J. Rules and Procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:

1. A quorum for any action by the HPC shall be 3 members.
2. All HPC minutes and records shall be public records.
3. All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq.).
4. HPC meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the Planning Board, governing body, or construction official.

#### § 10-12. ROLE OF THE HPC.

1. For applications that would otherwise not require Planning Board review, that are historic sites or in historic districts, the Zoning Officer shall refer the application to the HPC for a written report on the application and its compliance with the Borough's Historic District regulations. This report shall be submitted to the Zoning Officer, who shall issue a written approval or denial based on the HPC report, pursuant to N.J.S.A. 40:55D-111. The report of the HPC shall also be provided to the applicant and the Planning Board. The report shall be sent to the Zoning Officer within 45 days of the referral to the HPC. Failure of HPC to report within the forty-five-day period shall constitute a determination that the application is consistent with the Historic District regulations and that no condition on the issuance of the permit shall be imposed.

2. For applications that require Planning Board review based on provisions of the Borough Land Development Ordinance that are historic sites or in historic districts, the application shall be referred to the HPC for a written report on the application and its compliance with the Borough's Historic District regulations. This report shall be submitted to the Planning Board which shall make a final decision on the matter. The report of the HPC shall be sent to Planning Board and applicant within 45 days of the referral to the HPC or prior to the scheduled public hearing before the Board on the matter, whichever is sooner. Failure of the HPC to report shall constitute a determination that the application is consistent with the Historic District regulations and that no condition shall be imposed on the issuance of any approval.

3. An applicant may appeal any determination of the Zoning Officer to the Borough Planning Board. Said appeal shall occur within 45 days of the final determination by the Zoning Officer.

4. The HPC shall advise the Planning Board from time to time through the process of amending the Historic Preservation Element of the Master Plan.

5. The HPC shall recommend to the Planning Board guidelines for review to be utilized in determinations of historic landmark status and for review of development applications or permits affecting historic landmarks or improvements within historic districts. The Planning Board may recommend modifications of the guidelines.

#### § 10-13. POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION.

The Historic Preservation Commission shall have the following duties and responsibilities:

A. To prepare a survey or surveys of historic sites and districts pursuant to criteria established in such survey;

B. To make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications of any other Element on the preservation of historic sites and districts;

C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;

D. To advise the Planning Board on applications for development;

E. Provide written reports on the application of the zoning provisions of this Ordinance or other land development regulations on historic sites and districts;

F. Provide technical assistance upon request to property owners on the preservation, restoration, and rehabilitation of historic structures;

G. To carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality.

**[Sections 10-14 through 10-25 shall continue to be reserved for future use.]**

**SECTION II**

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

**SECTION III**

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 IV**

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

ATTEST:

**BOROUGH OF FRANKLIN**

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Darlene J. Tremont, CLERK

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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 February 23, 2021, 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 March 9, 2021, 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.

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Darlene J. Tremont  
Municipal Clerk