

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
MARCH 23, 2021

- 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**
There are no presentations this evening.
- 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 motion is in order to approve the regular meeting minutes for March 9, 2021. (Absent: Limon)
2. **Child Abuse Prevention Month Proclamation**
A motion is in order to adopt the Proclamation proclaiming April as Child Abuse Prevention Month.
3. **Mayoral Appointment**
Mayor Sowden will make the following appointment:

<u>Economic Development Committee</u>		
Tabatha Ressler	Member	1-year term
4. **Resolution #2021-25**
A motion is in order to adopt resolution 2021-25 budget transfer of appropriation reserves-current fund in the amount of \$71,650.
5. **Resolution #2021-26**
A motion is in order to adopt resolution 2021-26 authorizing the Tax Collector to refund A. Allende, in the amount of \$1,412.92 for an overpayment of taxes.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MARCH 23, 2021

6. Resolution #2021-27

A motion is in order to adopt resolution 2021-27 confirming the Mayoral appointment of members to the Historical Preservation Commission.

7. Adoption of Ordinance #04-2021

A motion is in order to adopt ordinance 04-2021 entitled “BOROUGH OF FRANKLIN SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”.

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 04-2021.

8. Introduction of Ordinance #05-2021

A motion is in order to introduce ordinance 05-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 119 OF THE BOROUGH CODE ENTITLED “FEES”.”

Public hearing will be held on April 13, 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,

- **Personnel Contract Negotiations**

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
Resolution #2021-25**

TRANSFER RESOLUTION
APPROPRIATION RESERVES– CURRENT FUND

WHEREAS, various 2020 bills have been presented for payment this year which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2020 Budget in the last two months of 2020 (*retroactive to 12/31/20); and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$71,650 be made between the 2020 Budget Appropriation Reserves as follows:

FROM:		TO:	
Group Insurance Plan for Employees	\$21,650	Utility Telephone, OE	\$ 1,650
Streets & Roads, Other Expenses	\$20,000	Res. for Tax Appeals	\$25,000
Legal Services, Other Expenses	\$15,000	Res. for Storm Recovery	\$30,000
Tax Appeals Pending	\$15,000	App State Grant -	
		Highlands Master Plan	\$15,000*
TOTAL	\$71,650	TOTAL	\$71,650

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 the Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting held on March 23, 2021.

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
46 MAIN STREET
FRANKLIN, NJ 07416**

RESOLUTION #2021-26

WHEREAS, a Disabled Veteran Tax Exemption was allowed for Armando Allende on Block 1403 Lot7, 3 Ginter St, effective January 28, 2021.

WHEREAS, the cancellation of taxes from date of approval has created an overpayment of taxes.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the Tax Collector is hereby authorized to refund Armando Allende in the amount of \$1,412.94.

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 in a meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on March 23, 2021.

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 NO. 2021-27**

**MAYORAL APPOINTMENT OF MEMBERS TO THE
HISTORICAL PRESERVATION COMMISSION**

WHEREAS, Mayor Sowden wishes to appoint as members to the Historical Preservation Commission for the following names and terms as listed;

Phillip R. Crabb	Member/Chairman	4-year term	Term expires 12/31/2024
Judith Williams	Member	4-year term	Term expires 12/31/2024
Connie Cholminski	Member	3-year term	Term expires 12/31/2023
Jeffrey Garrity	Member	3-year term	Term expires 12/31/2023
Donald DeVore	Member	2-year term	Term expires 12/31/2022
Charles Postas	Member	1-year term	Term expires 12/31/2021
Mayor Sowden	ex-Officio	1-year term	Term expires 12/31/2021
John Postas	Council Liaison	1-year term	Term expires 12/31/2021

WHEREAS, the Council confirms the Mayor's appointments;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the listed names are hereby appointed to the Historical Preservation Commission for the Borough of Franklin.

CERTIFICATION: I, Darlene J. Tremont, 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 meeting of said Governing Body held on March 23, 2021.

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)				

ORDINANCE 04-2021

**BOROUGH OF FRANKLIN
SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Franklin in the County of Sussex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council of the Borough of Franklin hereby determines that a 3.5% increase in the budget for said year, amounting to \$147,434.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council of the Borough of Franklin hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Franklin, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Franklin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$206,408.86, and that the CY 2021 municipal budget for the Franklin Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

Darlene J. Tremont, Municipal Clerk

John M. Sowden, IV, Mayor

NOTICE

TAKE NOTICE that the above entitled Ordinance 04-2021 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on March 9, 2021 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 March 23, 2021 at 7:00 p.m.

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 March, 2021.

Darlene J. Tremont, Municipal Clerk

John M. Sowden IV, Mayor

Introduced: March 9, 2021

Adopted:

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

**BOROUGH OF FRANKLIN
ORDINANCE NO. 05-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 119 OF THE BOROUGH CODE
ENTITLED "FEES"**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that 119 of the Code of the Borough of Franklin entitled "Fees" is hereby amended as follows:

SECTION I.

Chapter 119-4 of the Code of the Borough of Franklin entitled "Fees" referencing Chapter 194, "Parking Lots, Municipal" is hereby replaced as follows:

Ch. 194, Parking Lots, Municipal

§ 194-1	Parking permit, Franklin Borough residents	\$150 per year
	Parking permit, non-Franklin Borough residents	\$300 per year
	Commercial vehicles	\$450 per year
	Parking permit for visitor vehicles	\$10 per day

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

DARLENE J. TREMONT, CLERK

BY: John M. Sowden IV, 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 the 23rd day of March, 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 the 13th day of April 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.

Darlene J. Tremont, Borough Clerk

CERTIFICATION

I, DARLENE 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 _____, 2021.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced:
Adopted:

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