

**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**  
**APRIL 13, 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**

Oath of Office – Eric Moschberger

**Mayor Sowden** will recognize Police Chief Gregory Cugliari who will introduce new hire Franklin Police Department Patrolman Eric Moschberger.

**Mrs. Tremont** will administer the Oath of Office to Eric Moschberger, Franklin Police Department Patrolman.

- 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 and executive session meeting minutes for March 23, 2021. (Absent: None)

2. **Resolution #2021-30**

A motion is in order to adopt resolution 2021-30 authorizing submission of a Strategic Plan, grant for fiscal year FY2022, for the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant FY2022.

3. **Resolution #2021-31**

A motion is in order to adopt resolution 2021-31 authorizing the Tax Collector to refund Patrick J. Kalafut, in the amount of \$1,775.49 for an overpayment of taxes.

4. **Resolution #2021-32**

A motion is in order to adopt resolution 2021-32 authorizing the Tax Collector to refund Daniel R. Baisley, Jr., in the amount of \$512.21 for an overpayment of taxes.

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING APRIL 13, 2021**

5. Resolution #2021-33

A motion is in order to adopt resolution 2021-33 to approve utilizing of the three (3) year average method in computing the Borough's interest on investment revenue anticipation for budget year 2021.

6. Resolution #2021-34

A motion is in order to adopt resolution 2021-34 to approve utilizing of the three (3) year average method in computing the Borough's Municipal Court revenue anticipation for budget year 2021.

7. Adoption of Ordinance #05-2021

A motion is in order to adopt 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"."

**Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 05-2021.**

8. Approval of NJ State Firemen's Association Membership Application

A motion it in order to approve the application for membership of Ronald C. Babcock, 422 Route 23, Franklin, to the Franklin Fire Department as endorsed by Khyle Conklin, Franklin Fire Department Chief.

9. Zoning Officer request

A motion is in order to authorize the Zoning Officer to exempt/waive the sign fee for the town wide garage sale sponsored by the Girl Scouts to be held on April 24, 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.

FRANKLIN BOROUGH  
RESOLUTION No. 2021-30

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle FY2022

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Franklin, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Wallkill Valley Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ 5,358.00
Cash Match	\$ 1,339.50
In-Kind	\$ 4,018.50

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_

*John M. Sowden IV, Mayor*

**CERTIFICATION**

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, County of Sussex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 13<sup>th</sup> day of April, 2021.

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

BOROUGH OF FRANKLIN  
46 MAIN STREET  
FRANKLIN, NJ 07416

RESOLUTION #2021-31

WHEREAS, a Disabled Veteran Tax Exemption was allowed for Patrick J. Kalafut on Block 607 Lot 44, 44 Nestor St, effective January 14, 2021.

WHEREAS, the cancellation of taxes from the 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 Patrick J. Kalafut in the amount of \$1,775.49.

CERTIFICATION: I, Darlene J. Tremont 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 April 13, 2021.

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Dalene 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 #2021-32

WHEREAS, a Disabled Veteran Tax Exemption was allowed for Daniel R. Baisley, Jr on Block 1302 Lot 18, 37 Buckwheat Rd, effective December 7, 2020.

WHEREAS, the cancellation of taxes from the 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 Daniel R. Baisley, Jr in the amount of \$512.21.

CERTIFICATION: I, Darlene J. Tremont 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 April 13, 2021.

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Dalene 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. 2021-33**

**AUTHORIZATION OF THREE-YEAR AVERAGE FOR COVID-19 AFFECTED  
REVENUES IN 2021 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-26 has been amended to authorize the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years; and

**WHEREAS**, for FY2021, the Director authorizes use of a three-year average for calculation of affected revenues, which shall be calculated in a manner consistent with the Reserve for Uncollected Taxes (RUT) calculation used for anomalous years; and

**WHEREAS**, the interest revenue from investments was adversely impacted by COVID-19; and

**WHEREAS**, the actual interest revenues for 2018, 2019 and 2020 were \$79,683.19, \$86,062.45 and \$31,946.31, respectively and the average interest revenues over those three years is \$65,897.32; and

**WHEREAS**, the Mayor and Council believe the interest revenues for the budget year 2021 will improve over the 2020 year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, that it approves the utilization of the three-year average method in computing the Borough's interest on investment revenue anticipation for budget year 2021;

**AND, BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

**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 of said Governing Body held at 7:00PM on April 13, 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. 2021-34**

**AUTHORIZATION OF THREE-YEAR AVERAGE FOR COVID-19 AFFECTED  
REVENUES IN 2021 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-26 has been amended to authorize the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years; and

**WHEREAS**, for FY2021, the Director authorizes use of a three-year average for calculation of affected revenues, which shall be calculated in a manner consistent with the Reserve for Uncollected Taxes (RUT) calculation used for anomalous years; and

**WHEREAS**, the Municipal Court revenue was adversely impacted by COVID-19; and

**WHEREAS**, the actual cash collections for Municipal Court revenues for 2018, 2019 and 2020 were \$114,901.37, \$88,880.11 and \$59,177.50, respectively and the average Municipal Court cash collection over those three years is \$87,652.99; and

**WHEREAS**, the Mayor and Council believe the cash collections for the budget year 2021 will improve over the 2020 year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, that it approves the utilization of the three-year average method in computing the Borough's Municipal Court revenue anticipation for budget year 2021;

**AND, BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

**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 of said Governing Body held at 7:00PM on April 13, 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  
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**

§ <u>194-1</u>	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 23<sup>rd</sup> 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 13<sup>th</sup> 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 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 \_\_ 2021.

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

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

Introduced: March 23, 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				
GILBERT SNYDER COUNCIL PRESIDENT	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						
STEPHEN SKELLENGER						
GILBERT SNYDER COUNCIL PRESIDENT						
STEPHAN ZYDON, JR.						
MAYOR SOWDEN, IV (Tie Only)						