

**CONSENT AGENDA FOR THE ORGANIZATION MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FRANKLIN
AT 12:00 NOON ON
JANUARY 1, 2023**

ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

1. RESOLUTION #2023-01 – PROFESSIONAL SERVICES

A motion is in order for the Council to adopt a Professional Services Resolution #2023-01 for various professional services (Borough Attorney, Borough Engineer, Borough Auditor, and etc.).

2. RESOLUTION #2023-02 - TEMPORARY BUDGET – CURRENT FUND

A motion is in order to adopt resolution #2023-02, 2023 Temporary Municipal Budget Current Fund with attached schedule A entitled Borough of Franklin Current Fund 2023 Temporary Appropriations Budget.

3. RESOLUTION #2023-03 - TEMPORARY BUDGET- SEWER & WATER OPERATING

A motion is in order to adopt resolution #2023-03, 2023 Temporary Municipal Budget; sewer and water temporary operating with attached schedule A entitled Borough of Franklin Water/Sewer Operating Fund 2023 Temporary Appropriations.

4. RESOLUTION #2023-04 – RATES OF INTEREST/DELINQUENT TAX PENALTY

A motion is in order to establish the rate of interest to be charged for non-payment of taxes and water/sewer bills, on or before the date when they would become delinquent and to authorize the Tax Collector to charge a six percent penalty to a taxpayer with a delinquency in excess of ten thousand dollars, who fails to pay the delinquency prior to the end of the calendar year, as per the attached resolution #2023-04.

5. RESOLUTION #2023-05 - OVERPAYMENT/UNDERPAYMENT OF TAXES

A motion is in order to authorize the tax collector to cancel any record of overpayment or underpayment of taxes in the amount of \$10.00 or less for the calendar year 2022, in accordance with the provisions of N.J.S.A. 54:4-99, as per the attached resolution #2023-05.

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6. RESOLUTION #2023-06 – MEETING DATES

A motion is in order to establish the regular meeting nights of the Mayor and Council for the calendar year 2023, as per the attached resolution #2023-06.

7. RESOLUTION #2023-07 – OFFICIAL NEWSPAPERS

A motion is in order to designate the New Jersey Herald and the New Jersey Sunday Herald of Newton, N.J. to be the official newspapers of the Borough of Franklin for the year 2023, as per the attached resolution #2023-07.

8. RESOLUTION #2023-08 – DEFENSE AGAINST TAX APPEALS

A motion is in order to adopt resolution #2023-08 to authorize the Borough Attorney and the Borough Tax Assessor to defend the Borough of Franklin against all tax appeals filed during the calendar year 2023.

9. RESOLUTION #2023-09 – PAYMENT OF RECURRING BILLS RESOLUTION

A motion is in order to adopt a resolution #2023-09 for payment of recurring bills.

10. RESOLUTION #2023-10 – TO ADOPT A CASH MANAGEMENT PLAN

A motion is in order to adopt resolution #2023-10 for the year 2023, to serve as the cash management plan of Franklin Borough.

11. RESOLUTION #2023-11 – REAUTHORIZING PETTY CASH FUNDS FOR CALENDAR YEAR 2023.

A motion is in order to adopt resolution #2023-11 reauthorizing petty cash funds for the Calendar year 2023.

12. RESOLUTION #2023-12 – DESIGNATING DEPUTY CUSTODIANS OF PUBLIC RECORDS.

A motion is in order to adopt resolution #2023-12 designating deputy custodians of public records.

13. RESOLUTION #2023-13 - DESIGNATING PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.)

A motion is in order to adopt resolution #2023-13 designating public agency compliance officer (P.A.C.O.).

**CONSENT AGENDA FOR THE ORGANIZATION MEETING
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14. MINUTES OF MEETINGS

A motion is in order to direct that copies of the minutes of meetings be made and delivered to each meeting of the Governing Body at least 24 hours prior to the next regular council meeting, in order that the reading of the minutes may be dispensed with at the meeting.

15. RULES OF THE MAYOR AND COUNCIL

A motion is in order to adopt the Rules and Regulations of the Mayor and Council of the Borough of Franklin for the calendar year 2023.

16. FIRE DEPARTMENT LINE OFFICERS

A motion is in order to approve the ratification of 2023 Line Officers for the Franklin Fire Department, as per the recommendations submitted by Chief Khyle Conklin.

17. FIRE PREVENTION BUREAU ATTORNEY

A motion is in order to approve the Borough Attorney as the official Fire Prevention Bureau Attorney for the calendar year 2023, in accordance with the requirements of the Uniform Fire Code.

Borough of Franklin, County of Sussex

Resolution #2023-01

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:

Schenck, Price, Smith & King, LLP is awarded a contract for providing general legal services to the Borough of Franklin for the year 2023, dated January 1, 2023 in the amount of \$170.00 per hour, a retainer of \$5,400 per month with John Ursin named as Municipal Attorney.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$120,000.00, at this time. Appropriation #01.201.20.155.020.

Nisivoccia LLP is awarded a contract for providing service in the capacity of Municipal Auditor for the year 2023, dated January 1, 2023 billed at the hourly audit rates in effect at the time of services.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$35,000.00, at this time. Appropriation #01.201.20.135.020.

Archer & Greiner is awarded a contract for providing general Bond Counsel legal services to the Borough of Franklin for the year 2023, dated January 1, 2023 for services rendered in connection with

the preparation of each bond ordinance with a \$450 charge for single purpose bond ordinances, \$600 for multi-purpose bond ordinances and base charges for bond and note sales of \$3,500 and \$1,200 respectively. Other services are billed at the hourly rate in effect at the time of services rendered.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$10,000.00, at this time. Appropriation #01.201.20.155.021.

French & Parrello Associates is awarded a contract for providing engineering services for the Borough of Franklin for the year 2023, dated January 1, 2023 in the amount of \$140.00 per hour with Denis Keenan as principal engineer.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$20,000.00, at this time. Appropriation #01.201.20.165.020.

Van Cleef Engineering Associates, LLC is awarded a contract for providing FMUA Water/Sewer systems engineer for the year 2023, dated January 1, 2023 in the amount of \$139.00 per hour for a licensed engineer.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$20,000.00, at this time. Appropriation #09.201.55.502/503.042.

Anthony J. Den Uyl, Esq. is awarded a contract for providing the services of Municipal Prosecutor for the Borough of Franklin for the year 2023 in the amount of \$1,458.33 per month.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$21,000.00, at this time. Appropriation #01.201.25.275.020.

John Grey, Esq. is awarded a contract for providing the services of Municipal Public Defender for the Borough of Franklin for the year 2023 in the amount of \$150.00 per client.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$7,000.00, at this time. Appropriation #03.289.56.851.000.

Laddey, Clark & Ryan is awarded a contract for providing the services of Rent Leveling Attorney for the Borough of Franklin for the year 2023, dated January 1, 2023 in the amount of \$180.00 per hour with Angelo J. Bolcato, Esq. named attorney.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Andrew Bernath, CFO/QPA, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$7,000.00, at this time. Appropriation #03.281.56.851.084.

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

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Borough of Franklin, County of Sussex

Resolution #2023-02

ADOPTION OF 2023 TEMPORARY MUNICIPAL BUDGET CURRENT FUND

WHEREAS, The Local Budget Law, N.J.S.A. 40A:4-1 et seq., provides that until the official Annual Budget for the budget year is adopted, a temporary budget, not exceeding 26.25% of the total of all appropriations including appropriations for debt service, capital improvement fund, and public assistance must be adopted covering the first quarter of the fiscal year; and

WHEREAS, N.J.S.A. 40A:4-1 et seq. further provides that the governing body of a municipality must adopt by resolution within the first thirty (30) days of the budget, by affirmative vote of the full membership of the governing body, a temporary budget; and

WHEREAS, the Mayor and Borough Council desires to establish temporary appropriations pursuant to the Local Budget Law; and

WHEREAS, total appropriations for the 2022 Current Fund Annual Budget, exclusive of any appropriations for debt service, capital improvements, and public assistance was \$7,033,418.00; and

WHEREAS, 26.25% of total appropriations for the 2023 Current Fund Annual Budget is \$1,846,272.23; and appropriations for debt service, capital improvements, and public assistance are \$550,000, totaling \$2,396,272.23.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the attached Schedule 'A' entitled "2023 Temporary Appropriations" is hereby approved.

BE IT FURTHER RESOLVED that the Introduced Official Budget shall serve as the Temporary Budget pursuant to N.J.S.A. 40A:4-19.1 if the Director of the Division of Local Government Services extends the budget dates pursuant to N.J.S.A. 40A:4-5.1.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Schedule A

	Salary & Wages	Other Expense
General Admin	52,828.39	15,225.00
Elections		1,575.00
Finance Admin	27,562.50	6,391.88
Audit Services		5,250.00
Tax Collector	5,407.50	3,051.56
Tax Assessor	13,983.90	3,531.94
Revaluation of Taxes		23,625.00
Legal Services		49,875.00
Engineering Services		7,875.00
Economic Development Other Expenses		262.50
Historic Preservation		2,100.00
Land Use	5,407.50	
Planning Board		6,378.75
Zoning Official	10,328.33	866.25
Insurance:		
Insurance Other Insurance Premiums		23,756.25
Insurance Workers Compensation Insurance		17,062.50
Insurance Employee Group Insurance		139,387.50
Insurance Unemployment Insurance		3,333.75
DCRP - EMPLOYERS MATCH		2,625.00
Insurance - Health Benefit Waiver		4,331.25
Police S&W	529,528.13	37,684.50
Crossing Guard	18,716.25	157.50
Office of Emergency Management	602.44	131.25
Aid To Volunteer Fire Companies		18,419.63
Aid To Volunteer Ambulance Companies		4,147.50
Volunteer LOSAP Program		5,250.00
Municipal Prosecutor		5,512.50
Streets and Roads	79,537.50	39,375.00
Buildings & Grounds	3,150.00	28,350.00
Municipal Service Act		\$788
Board of Health	409.76	131.25
Public Health Services		262.50
Animal Control		3,412.50
Senior Center	9,095.63	236.25
Recreation	5,250.00	2,362.50
Tax Appeals Pending		3,937.50
Utilities:		
Utility Bulk Expenses Street Lights		10,500.00
Utility Bulk Expense Telephone		9,450.00
Utility Bulk Expense - Postage		577.50
Utility Bulk Expenses Gasoline		14,437.50
Network Maintenance		8,662.50
Solid Waste Disposal		120,750.00
Public Employees Retirement System		31,059.00
Social Security		60,375.00

Schedule A

Police & Firemens Retirement System		112,059.68
Interlocal Agreements:		
Interlocal Tax Collector		8,365.09
Interlocal Construction Hardyston		16,423.85
Interlocal Agree 911" Dispatch Police"		8,815.28
Interlocal Agree 911" Dispatch Fire"		8,311.54
Interlocal Agree 911" Dispatch EMS"		8,059.54
Interlocal Municipal Drug Alliance Progr		420.00
Municipal Court	39,004.09	3,819.38
Capital		92,500.00
Improvements To Streets & Roads		6,562.50
Improvements To Muni. Property/Equipment		6,562.50
Purchases Of Office Equipment		2,625.00
Purchase of Fire Equipment		9,712.50
Municipal Debt Serv. Payment Of Note PRI		410,000.00
Municipal Debt Serv. Payment Of Note Int		47,500.00
Reserve For Uncollected Taxes		131,250.00
Totals	800,811.90	1,595,460.33
Total Temporary Appropriations 2023	2,396,272.23	

Borough of Franklin, County of Sussex

Resolution #2023-03

ADOPTION OF 2023 TEMPORARY MUNICIPAL BUDGET SEWER AND WATER OPERATING

WHEREAS, The Local Budget Law, N.J.S.A. 40A:4-1 et seq., provides that until the official Annual Budget for the budget year is adopted, a temporary budget, not exceeding 26.25% of the total of all appropriations including appropriations for debt service, capital improvement fund, and public assistance must be adopted covering the first quarter of the fiscal year; and

WHEREAS, N.J.S.A. 40A:4-1 et seq. further provides that the governing body of a municipality must adopt by resolution within the first thirty (30) days of the budget, by affirmative vote of the full membership of the governing body, a temporary budget; and

WHEREAS, the Mayor and Borough Council desires to establish temporary appropriations pursuant to the Local Budget Law; and

WHEREAS, total appropriations for the 2022 Sewer & Water Operating Annual Budget, exclusive of any appropriations for debt service, capital improvements, and public assistance was \$2,164,678.00; and

WHEREAS, 26.25% of total appropriations for the 2023 Sewer & Water Operating Annual Budget is \$564,290.00; and appropriations for debt service, capital improvements, and public assistance are \$228,375.00, totaling \$792,665.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the attached Schedule ‘A’ entitled “2023 Temporary Appropriations” is hereby approved.

BE IT FURTHER RESOLVED that the Introduced Official Budget shall serve as the Temporary Budget pursuant to N.J.S.A. 40A:4-19.1 if the Director of the Division of Local Government Services extends the budget dates pursuant to N.J.S.A. 40A:4-5.1.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Schedule A

Water & Sewer S&W	\$116,813
Water Sewer Operat. OE Water	\$88,253
Water Sewer Operat. OE Sewer	\$336,440
Water Sewer Capital Improvement Fund	\$89,375
W/S Debt Serv. Payment Of Bond Principal	\$75,000
W/S Debt Serv. Interest On Bonds	\$64,000
W/S Statutory Expenditures Pers Contrib.	\$10,500
W/S Statutory Expenditures Social Security	\$11,813
W/S Statutory Expenditures Unemployment	\$473
Total	\$792,665

Borough of Franklin, County of Sussex

Resolution #2023-04

Rates of Interest/Delinquent Tax Penalty

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, that the rate of interest to be charged for non-payment of taxes on or before the date that they would become delinquent shall be set at the rate of 8% per annum on the first \$1500 of the delinquency, and 18% per annum on any amount in excess of \$1500, and

BE IT FURTHER RESOLVED, that the rate of interest to be charged for non-payment of water / sewer bills on or before the date that they would become delinquent shall be set at the rate of 8% per annum on the first \$1500 of the delinquency, and 18% per annum on any amount in excess of \$1500, and

BE IT FURTHER RESOLVED, that in accordance with the provisions of N.J.S.A. 54:4-67, a six percent (6%) penalty shall be charged to a taxpayer with a delinquency in excess of Ten Thousand and no/100 Dollars (\$10,000) who fails to pay the delinquency prior to the end of the calendar year. Delinquency in this instance means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or tax years.

BE IT FURTHER RESOLVED, that no interest shall be charged if payment of any installation is made within ten days after the date which same became payable.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Borough of Franklin, County of Sussex
Resolution #2023-05

Over Payment/Underpayment of Taxes

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, County of Sussex and State of New Jersey, to authorize the tax collector to cancel of record and overpayment or underpayment of taxes in the amount of \$10.00 (ten dollars) or less for the calendar year 2022, in accordance with the provisions of N.J.S.A. 54:4-99.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
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RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2023-06

Franklin Borough Governing Body 2023 Meeting Dates

WHEREAS, The Open Public Meetings Act, P.L. 1975, Ch.231 requires certain bodies to comply with the provisions of Section 13 of said Act,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, THAT the regularly scheduled meetings of the Franklin Borough Mayor and Council for the year 2023 will be held in the Franklin Borough Municipal Building, adhering to all CDC guidelines, located at 46 Main Street in Franklin, New Jersey, and virtually via ZOOM beginning at 7:00 PM on the following dates:

REGULAR MEETINGS (2nd & 4th Tues)

January	10 and 24
February	14 and 28
March	14 and 28
April	11 and 25
May	9 and 23
June	13 and 27
July	18
August	15
September	12 and 26
October	10 and 24
November	14 and 28
December	19

WORK MEETINGS (If needed 3rd Wed)

January	18
February	15
March	15
April	19
May	17
June	21
July	19
August	16
September	20
October	18
November	15
December	20

The Organization Meeting of the 2024 Franklin Borough Mayor and Council shall be held on Monday, *January 1, 2024 at 12:00 Noon*, in the Franklin Borough Municipal Building, 46 Main Street, Franklin, New Jersey and virtually via ZOOM.

A copy of this resolution shall be posted on the Franklin Borough Municipal Building Bulletin Board, and copies of this resolution shall be forwarded to the Official Newspapers, namely the New Jersey Herald and the New Jersey Sunday Herald located in Newton, NJ, and is on file in the office of the Municipal Clerk of the Borough of Franklin. This resolution shall take effect immediately.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Borough of Franklin, County of Sussex

Resolution #2023-07

Designate the Official Newspapers

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, to designate the New Jersey Herald and the New Jersey Sunday Herald of Newton, NJ, to be the official newspapers of the Borough of Franklin for the year 2023.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Borough of Franklin, County of Sussex

Resolution #2023-08

AUTHORIZING THE BOROUGH ASSESSOR AND BOROUGH ATTORNEY TO DEFEND ALL CONTESTED APPEALS BEFORE THE SUSSEX COUNTY BOARD OF TAXATION AND TAX COURT OF THE STATE OF NEW JERSEY

BE IT RESOLVED by the governing body of the Borough of Franklin that the Borough Assessor and Borough Attorney be and they are hereby authorized to defend before the Sussex County Board of Taxation and Tax Court of the State of New Jersey all contested appeals and to initiate municipal appeals to correct the Borough of Franklin tax list including but not limited to rollback complaints, added and omitted assessment complaints, and such other appeals as are necessary to correct the assessments for the Borough of Franklin; and

BE IT FURTHER RESOLVED that the Borough Assessor and Borough Attorney be and hereby designated as the agents of the Borough of Franklin for the purpose of signing settlements of the foregoing matters by stipulation.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
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JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2023-09

PAYMENT OF RECURRING BILLS RESOLUTION

WHEREAS, all claims of payment by the Borough of Franklin, County of Sussex, State of New Jersey, are required to be first submitted to the Mayor and Borough Council for consideration before payment is made, and

WHEREAS, due to the nature of certain claims and timing of the particular meetings involved, certain claims should be paid when presenting which are statutory and regular in nature, rather than held for the next meeting of the Mayor and Borough Council due to the nature of said bills.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Franklin as follows:

1. This township does hereby approve of the payment between meetings of the following enumerated claims for payment, when the same are presented to the Mayor and Borough Council and Chief Finance officer of the Borough of Franklin.
 - a. Borough of Franklin net payroll and payroll deduction accounts.
 - b. Borough of Franklin, Board of Education
 - c. County Treasurer (County taxes only)
 - d. Banks for investment Purposes/Inter-fund transfers/Debt Service payment Bond/Note Payments
 - e. Fort Dearborn National Life Insurance Company, Statewide Workers Compensation Fund, and Horizon Blue Cross & Blue Shield of N.J. and all other insurance
 - f. Repair of emergency, police, and rescue vehicles; parts needed for said vehicles; and critical equipment related to the operations of the BPW/Police or emergency services
 - g. Bond Releases
 - h. All utility payments
 - i. Employee Reimbursements
 - j. Petty Cash Reimbursements
 - k. Lien Redemptions
 - l. Premium Redemptions
 - m. Accounts with Credit Card Contracts

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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

Borough of Franklin, County of Sussex

Resolution #2023-10

TO ADOPT A CASH MANAGEMENT PLAN

BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, County of Sussex, that for the year 2023, the following shall serve as the cash management plan of the Borough of Franklin.

1. Cash Management and Investment Objectives

The Borough of Franklin has the following objectives.

- A. Preservation of Capital
- B. Adequate safekeeping of assets.
- C. Maintenance of liquidity to meet operating needs.
- D. Investment of assets in accordance with State and Federal Laws and regulations.
- E. Maximize Yield

2. Designation of Official Depositories

The following Government Unit Protection Act approved banks are authorized depositories for deposit of funds:

State of New Jersey Cash Management Fund
Valley National Bank
Lakeland Bank
SB One Bank
Provident Bank
T D Bank, N.A.
Wells Fargo Bank, N.A.

3. Cash Management

- A. All funds shall be deposited within 48 hours of receipt in accordance with N.J.S.A. 40A:5-15
- B. The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that any excess amounts not needed to cover expenses or in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.
- C. Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

4. Permissible Investments

- A. Certificates of Deposits.
- B. Savings and Loan Association and Saving Bank Accounts.
- C. New Jersey Cash Management Plan
- D. MBIA Municipal Investors Service Corporation CLASS

5. Authority for Investment Management

The Chief Financial Officer is authorized and directed to make investments on behalf of the Borough. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6. Reporting

The Chief Financial Officer shall report to the Borough Council investments in accordance with N.J.S.A. 40A: 5-51.2.

7. Audit

The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A: 5-14.

8. Disposition of Abandoned Property

The Chief Financial Officer shall escheat to the State of New Jersey checks which remain outstanding for more than twelve months after the date of issuance.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
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STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2023-11

REAUTHORIZING PETTY CASH FUNDS FOR CALENDAR YEAR 2022

WHEREAS N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in municipalities by application and resolution; and,

WHEREAS, it is the desire of the Borough of Franklin to establish the following Petty Cash Funds for calendar year 2023 as follows:

Department	Custodian	Amount Authorized
Police	Gregory Cugliari	\$200
Clerk Office	Darlene J. Tremont	\$200

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Franklin hereby authorizes such action and that the Borough Clerk file two copies of this resolution within the Division of Local Government Services, State of New Jersey.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2023-12

DESIGNATING DEPUTY CUSTODIANS OF PUBLIC RECORDS

WHEREAS, the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. provides public access to local government records; and

WHEREAS, the Open Public Records Act further provides that in municipal government the Municipal Clerk shall be the custodian of records; and

WHEREAS, many public officials, officers or employees, including but not limited to the Borough Administrator, Police Chief, Chief Finance Officer, Tax Collector, and all municipal department or division heads, have an inherent record-keeping duty and responsibility in maintaining specific types of local government records; and

WHEREAS, the Open Public Records Act allows the Municipal Clerk to name deputy custodians of records to assist in the handling of, and responsibility for, public records,

THEREFORE BE IT RESOLVED by the Mayor and Franklin Borough Council that in order to facilitate speedy citizen access, efficiency in administration, and compliance with government record access law, the Borough Administrator, Police chief, Chief Finance Officer, Tax Collector, and all municipal department and division heads are hereby designated to serve as Deputy Custodians of Public Records in the performance of duties and responsibilities pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
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GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2023-13

RESOLUTION DESIGNATING PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.)

Whereas, in accordance with N.J.A.C. 17:27-3-3, each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O., and

Whereas, the P.A.C.O will act as the liaison between the State of New Jersey’s Division of Public Contracts Equal Employment Opportunity Compliance and the Borough of Franklin, and

Whereas, the P.A.C.O. will be the point of contact for all matters concerning implementation and administration of N.J.A.C. 17:27-1.1 et seq., and

Whereas, the P.A.C.O. will also be responsible for administering contracting procedures pertaining to equal employment opportunity regarding the Borough of Franklin and the service providers of goods and services, professional service and construction contractors, and

Whereas, the P.A.C.O. has the authority to recommend changes to effectively support the implementation of N.J.A.C. 17:27-1.1 et seq. and its regulations.

Now Therefore Be It Resolved that the Mayor and Council of the Borough of Franklin designates Andrew Bernath, Borough Administrator as Public Agency Compliance Officer for the Borough of Franklin for year 2023.

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 their Reorganization Meeting held on January 1, 2023, at 12:00 noon.

Darlene J. Tremont, Municipal Clerk

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GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Rules of the Borough of Franklin Mayor and Council

Adopted January 1, 2023

This book shall be known and cited as the Rules of Order of the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey for 2022, and herein referred to as the “Rules of Council.”

CHAPTER I: ORGANIZATION

1:1 The Mayor and Council of the Borough of Franklin (“Council”) shall meet and organize on the first day of January, or during the first seven days of January in any year, at the call of the incoming Mayor.

1:2 The Mayor and Council Members shall, before they commence the duties of their respective offices, take and subscribe the following oath or affirmation: “I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of Mayor (or Franklin Borough Council) according to the best of my ability.” A person authorized by the Constitution or law shall administer the oath or affirmation.

1:3 At each reorganization meeting, such officers and employees shall be appointed by the Mayor and confirmed by resolution of the Council, as it shall be deemed advisable or necessary, or provided by law, to meet the objectives of the Mayor and Council.

1:4 At each reorganization meeting, the Council shall, by the vote of the majority of its members, elect the President of the Council, who shall preside at all its meetings when the Mayor does not preside. The President shall hold office for one year and until the next reorganization meeting. The President shall have the right to debate and vote on all questions before the Council. If the Council fails to elect the President at the reorganization meeting, the Mayor shall appoint the President from the Council and, in that case, no confirmation by the Council shall be necessary.

1:5 At each reorganization meeting the Council shall adopt, by resolution, the official depositories for Borough funds, official newspapers of the Borough, rate of interest to be paid for non-payment of taxes, persons authorized to enter the Borough safe deposit box, the time, date and location of the regular meetings of the Mayor and Council, and local temporary budgets of the Borough of Franklin and the Franklin Board of Public Works.

1:6 The Council shall by resolution adopt rules of procedure. The rules shall provide for standing committees of the Council and include typical subject matter usually assigned to each committee and the general departmental oversight responsibilities of each committee insofar as the powers, functions, duties operations, policies, and procedures of said department.

1:7 Immediately after the oath or affirmation of new Council Members is administered, the Council Members shall arrange themselves in the seats assigned to them by the Mayor.

CHAPTER II: MEETINGS

2:1 Council members are expected to attend all regularly scheduled meetings. No Council member shall be absent without just cause unless excused by the Mayor.

2:2 Pursuant to N.J.S.A. 40A:60-3(d), three councilmen and the Mayor or, in the absence of the Mayor, four councilmen shall constitute a quorum for transacting business.

2:3 Upon motion, a recess may be taken where it is convenient that the business of the Council be suspended for a short time during any meeting.

2:4 Any officer or employee required or requested to attend a meeting of the Mayor and Council shall be present unless excused by the Mayor.

2:5 The Council shall hold its reorganization meeting annually as set forth in Section 1:1. The Council shall meet regularly thereafter twice per month on such days and at such times as the Council shall establish by resolution at the reorganization meeting. When the time for any regular meeting of the Council shall fall on any legal holiday, as prescribed by law, such meeting may be rescheduled if necessary.

2:6 Special meetings may be called by the Mayor at any time or shall be called by the Mayor upon the written request of a majority of the Council Members. Such a request shall be in writing and signed by a majority of the Council Members, specifying the purpose for which such meeting is to be called. No business shall be transacted at any special meeting other than that specified in the request. Upon receipt of any such request, the Mayor shall promptly direct the Clerk to serve notice in writing of such special meeting upon each Council Member at least 24 hours prior to the time for which the meeting is called. Upon written waiver of notice executed by all Council Members, a special meeting may be held without prior notice notwithstanding the above provisions of this section. Public notice of all special meetings of the Council shall be given in compliance with the Open Public Meetings Act (“OPMA”), N.J.S.A. 10:4-6 et seq.

2:7 Pursuant to N.J.S.A. 10:4-9 of OPMA, upon the affirmative vote of three quarters of the members present, the Council may hold an emergency meeting notwithstanding the failure to provide adequate public notice if: (1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; (2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; (3) notice of such meeting is provided as soon as possible following the calling of such meeting as required by law; and (4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time

when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

2:8 The Council shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law. The minutes of closed meetings may be withheld from disclosure as provided by law. All other minutes shall be made promptly available to the public. If the release of minutes takes place prior to Council approval, a statement shall be placed at the top of each page stating “These minutes have not been formally approved and are subject to change by the Council at its next meeting.”

2:9 Except as provided by OPMA, all meetings of public bodies shall be open to the public at all times. However, the right of the public to be present at the meeting should not be confused with public participation. The Council retains the right to permit, regulate, or prohibit active participation of the public at any meeting. All public comments shall be directed to the Mayor and kept to a three minute maximum per person.

2:10 It is within the discretion of the Council to vote to go into closed session to discuss those matters that fall within the enumerated exceptions to OPMA. Prior to going into closed session, a resolution shall be adopted by the Council stating the general nature of the subjects to be discussed.

2:11 Only the types of matters specifically listed in Section 2:13 may be discussed in a closed meeting. All other matters, regardless of their controversial nature, must be discussed and acted on in public. Any matters which are not included in one of the exceptions and which are discussed in a closed meeting, are subject to challenge and can be set aside, even if the vote is taken in public.

2:12 Once a matter is discussed at a closed meeting, there is no set rule to determine when disclosure shall take place. The nature of the matter is critical to this determination. A general guide is that disclosure to the public may be made when the reasons of confidentiality for going into closed session no longer exist.

2:13 Pursuant to N.J.S.A. 10:4-12 of OPMA, the Council may exclude the public from those portions of a meeting when the Council discusses any of the following:

- (1) matters which, by express provision of federal law, State statute, or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;

(2) matters in which the release of information would impair a right to receive funds from the Government of the United States;

(3) material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by an institution or program, including but not limited to, information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress, or condition of any individual, unless the individual concerned (or, in the case of a minor or an incapacitated individual, the individual's guardian) shall request in writing that the material be disclosed publicly;

(4) collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the Borough;

(5) matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or investment of public funds, if it could adversely affect the public interest if discussion of the matters were disclosed;

(6) tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair that protection, or investigations of violations or possible violations of the law;

(7) pending or anticipated litigation or contract negotiation other than in Section (4) above in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

(8) matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting; or

(9) deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss

of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

CHAPTER III: VACANCIES IN MEMBERSHIP

3:1 In the event of a vacancy in the membership of the Council, officers, or employees occasioned by death, resignation, or otherwise, the Mayor and Council shall fill such vacancy as prescribed by Municipal Vacancy Law, N.J.S.A. 40A:16-1.

CHAPTER IV: DUTIES OF THE MAYOR

4:1 The Mayor shall take the chair promptly at the start of each meeting, and immediately call the members to order, and on the appearance of a quorum, take up the business of the meeting in the order hereinafter provided.

4:2 The Mayor shall have the full authority to preserve order and decorum in the Council chamber and lobby, meeting rooms, and offices thereof, together with such rooms, corridors in the Borough Hall, and elsewhere as may be used by the Council, its committees, commissions, officers, members, and employees in the conduct of official business.

4:3 The Mayor shall also have the full authority to protect the safety of the members, officers, and employees of the Council in the performance of their duties as well as that of the general public, and to preserve and protect property and records under the jurisdiction of the Council. In case of disturbance or disorderly conduct the Mayor may cause the same to be cleared and/or have the offending person(s) be arrested and removed.

4:4 The Mayor shall preserve order and decorum, and confine Council members to the question under discussion. When two or more members wish to speak at the same time, the Mayor shall name the one entitled to have the floor.

4:5 The Mayor shall state all questions before the Council and shall distinctly put questions not involving roll call vote in substantially the following form: "all those in favor signify by saying yes," and after the affirmative is expressed, "all those opposed signify by saying no." If the Mayor is unable to determine the result of a voice vote, or a division be called pursuant to the Rules of the Council, a roll call vote shall be taken. On all questions requiring a roll call vote, the Clerk will take the roll when directed by the Mayor and upon tallying the vote will inform the Mayor of the tally. The Mayor will then read the tally in the following form: "on the motion/question there is (number of yes votes) in the affirmative and (number of no votes) in the negative. I declare the

motion/question (passed or defeated) and take the usual course of passed/defeated motions or questions.”

4:6 The Mayor shall decide questions of order without debate, subject to an appeal to the Council, when demanded by any members, on which appeal, unless it be an appeal pursuant to Section 6:4, no member shall speak more than once, unless by leave of the Council and decided by majority vote.

4:7 The Mayor shall appoint all committees in accordance with Section 1:3, unless otherwise required by law. The Mayor may, during the inability of a committee member to serve, appoint another member of the Council to serve during such period.

4:8 The Mayor shall assist and direct the Borough Clerk, in the preparation of the agenda for all meetings of the Council.

4:9 The Mayor shall sign and execute all ordinances, resolutions, contracts, and such other documents when so directed by the Council.

4:10 If the Mayor shall desire temporarily to vacate the chair during any meeting, he or she shall request the President of the Council or, in the absence of the president, name another member, to perform the duties of the chair. While so acting, the President or such other members shall have and exercise the powers and duties of the Mayor.

4:11 If the Mayor is absent from the Borough for a period of three consecutive days or more, or for any reason is unable to act, then the President of the Council shall perform all the duties of the Mayor during his or her absence or disability. The Mayor, in case of his or her intended absence from the Borough for three or more days at any one time, shall notify the President of the Council in writing of such intended absence, whereupon, the President shall become acting Mayor from the time of receipt of such notice, and continue to act in this capacity until the Mayor’s return. In case of the temporary inability of the President to so act, the Council member having the longest term of service as such, shall act temporarily for the President.

4:12 At the commencement of every meeting, the Mayor shall announce publicly and cause to have entered in the minutes an accurate statement that adequate notice of the meeting has been provided and specifying the time, place, and to the extent known, the agenda and the manner in which the notice was provided. If the meeting is called in response to a crisis, the announcement shall state that adequate notice was not provided, the nature of the urgency, the harm to the public delaying the meeting, the limitation on the matters discussed at the meeting, the time, place, and manner notice was provided, and the exact reason why a need for the meeting could not be foreseen or say that adequate notice could not be provided.

CHAPTER V: DUTIES OF THE COUNCIL

5:1 The council shall be the legislative body of the municipality.

5:2 The council may, subject to general law and the provisions of this act:

(1) pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

(2) control and regulate the finances of the municipality and raise money by borrowing or taxation;

(3) create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the council, except the clerk, who also shall be exempt from the borough residency requirement, the tax collector and tax assessor who shall serve for terms as provided in chapter 9 of Title 40A of the New Jersey Statutes. The council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;

(4) investigate any activity of the municipality;

(5) remove any officer of the municipality, other than those officers excepted by law, for cause; and

(6) override a veto of the mayor by a two-thirds majority of all the members of the council.

5:3 The council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the mayor.

5:4 The council, whenever it fails to confirm the nomination by the mayor of any official to a subordinate office of the borough within thirty days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

CHAPTER VI: DUTIES OF THE BOROUGH CLERK

6:1 The Borough Clerk shall be subject to the supervision of the Mayor, and shall be the request officer of the Council.

6:2 The Clerk shall, at least seven days prior to the January reorganization meeting of each year, notify the members or the members-elect of the Council, as the case may be, of the place and time the Council shall meet and organize.

6:3 The Clerk shall post in a conspicuous place in the Borough Hall a list of public meetings to be held.

6:4 The Clerk shall, at each regular meeting of the Council, cause to be read all petitions and communications addressed to the Council, unless otherwise provided on the consent agenda.

6:5 The Clerk shall record the votes on all motions/resolution and inform the Mayor of the final vote tally.

6:6 The Clerk shall supervise the Deputy Borough Clerk and other such employees as designated by the Mayor and Council.

6:7 The Clerk shall attend and keep the minutes of the meetings of the Mayor and Council. The minutes shall be signed by the Mayor or presiding officer, and attested to by the Clerk.

6:8 The Clerk shall record all ordinances and resolutions in books to be provided for that purpose. For each ordinance the Clerk shall also record and certify the proof of publication thereof as required by law. Each ordinance and resolution shall be attested to by the Clerk, who shall attest it to be fully adopted upon a stated date, and when so signed the recorded copy shall be deemed public record.

6:9 The Clerk shall have custody of, and safely keep, all records, books, and documents of the Borough, except those committed by law or ordinance to any other office or transferred thereto by the Mayor and Council.

6:10 The Clerk shall cause the corporate seal of the Borough to be affixed to instruments and writing when authorized by ordinances or resolutions of the Mayor and Council.

6:11 The Clerk shall be the depository for and have custody of all official surety bonds furnished by or on account of any officer or employee, except his or her own bond, which shall be placed in the custody of the Treasurer, and have custody of all insurance policies of the Borough.

6:12 The Clerk shall be the depository for and have custody of all performance bonds running to the Borough as obligee, or any other form of security given by any person or subdivision on account of work done in or for the Borough.

6:13 The Clerk shall have custody of all leased property owned by the Borough.

6:14 The Clerk shall maintain a current file of all rules and regulations which shall be available for public inspection in his or her office during regular business hours. No rule or general regulation made by any department, officer, agency, or authority of the Borough, except such as relates to the organization or internal management of the Municipal government or a part thereof, shall take effect until filed with the Clerk.

6:15 The Clerk shall have the power to administer oaths and affirmations in all matters concerning Borough business.

6:16 The Clerk shall within five days after the Mayor and Council have appointed or elected any officer, cause to be delivered to or left at the place of abode of the person so elected or appointed, a written notice of his election or appointment.

6:17 The Clerk shall perform all the functions required of Municipal Clerks by the general election law of the State of New Jersey and any other law or ordinance.

6:18 The Clerk shall have such other different and additional functions, powers and duties as may be prescribed by law or ordinances, or delegated to him or her by the Mayor and Council.

6:19 The Clerk shall sign and send all messages required to be sent from the Mayor and Council.

6:20 The Clerk shall supervise the Deputy Borough Clerk. The Deputy Borough Clerk shall assist the Clerk in all duties required by law of the Borough Clerk during such time and for such specific periods as the Clerk is absent and/or as the Mayor and Council may direct.

CHAPTER VII: DECORUM AND DEBATE

7:1 No person shall be allowed the floor of the general meeting except as follows:

- A. Members of the Mayor and Council,
- B. Permanent employees of the Mayor and Council such as the Borough Clerk, Borough Attorney, and the Borough Administrator, and
- C. Such other persons to whom the privileges of the floor are extended by the Mayor or by resolution of the Council.

7:2 No person other than a Councilperson shall be permitted to address the Mayor and Council except by invitation of the Mayor or by resolution of the Council, but no such person addressing the Mayor and Council shall express any political opinion or engage in discussion of personalities or use any indecent or reproachful language or any expression of disrespect to the Mayor and Council or any committee of the same.

7:3 When a Council Member is about to speak in debate or communicate any other matter to the Mayor and Council, he or she shall respectfully address himself or herself to the Mayor, confining himself or herself to the question under debate and avoiding discussion of personality.

7:4 If any Council Member in debate shall transgress the Rules of the Council, the Mayor shall, or any Council member may, call him or her to order, in which case the member so called to order shall immediately cease, unless permitted to explain. The Council shall, if appealed to, decide on the case, but without debate, and the votes of the majority of those present and voting shall prevail; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the Council member called to order, he or she shall be permitted to proceed; if otherwise, he or she shall not be permitted to proceed without leave of the Council.

7:5 If a Council Member be called to order for words spoken in debate, the person calling him or her to order shall repeat the words excepted to, and they shall be taken down by the Clerk. No Council Member shall be held to answer for words spoken in debate if any other member has spoken or if any other business has taken place after the words were spoken and before exception to them shall have been taken.

7:6 The Council may admonish its members for disorderly conduct, or any other conduct which it deems contrary to the integrity and general welfare of the Council. The Council shall afford any Council Member who is to be admonished an opportunity to be heard.

7:7 No Council Member shall speak on any motion, resolution, matter, or question longer than fifteen minutes the first time and second time or longer than five minutes the third time and thereafter without leave of the Council.

7:8 While the Mayor is putting any question, motion, or resolution or addressing the Council, no one shall walk out of or cross the Council chamber; nor in such case, or when a Council member is speaking shall anyone entertain private discourse.

7:9 No Council Member shall vote on any question, motion, or resolution in any case where he or she is not within the Council chambers when the vote is taken. In certain situations a conference call will be acceptable in lieu of actual presence in the Council chamber.

7:10 All incidental questions of order arising after a motion is made shall be decided without debate.

7:11 No Council Member shall vote on any question, motion, or resolution in any case while an inherent “conflict of interest” exists pertaining to the issue at hand.

CHAPTER VIII: ORDER OF BUSINESS

8:1 The Mayor and Council shall keep a record of its proceedings.

8:2 After the Mayor has assumed the chair, the order of business shall be as follows:

- A. Quorum call
- B. Salute to the flag of the United States
- C. Open public meetings act statement
- D. Presentations
- E. Committee reports
- F. Open the meeting to the public
- G. Consent Agenda
- H. Old business
- I. New business
- J. Executive Session if requested
- K. Miscellaneous comments of the governing body
- L. Adjournment

8:3 Items of business, excluding ordinances and as otherwise provided by law, which the Borough Council has determined to be routine and which do not require discussion, shall be included under a single section of the agenda, known as the “Consent Agenda.” Such items may be adopted or approved, as the case may be, upon motion and approval thereof by vote of a simple majority of the Council. If discussion is desired by a Council Member, the item will be removed from the Consent Agenda, and the item will be considered separately. Those items so approved under the heading “Consent Agenda” will appear in the Council minutes in their proper form.

8:4 From time to time, it may be necessary to waive the regular order of business to address pertinent matters. If there are no objections, the regular order of business may be dispersed with in order to meet the objectives of the Mayor and Council.

CHAPTER IX: STANDING COMMITTEES

9:1 The following Standing Reference, Administrative, and Special Committees shall be appointed by the Mayor in accordance with the provision of Section 1:3 at the commencement of each annual reorganization meeting and the members thereof shall serve for the entire year unless otherwise ordered.

9:2 The Standing Reference Committees shall consist of up to three Council Members appointed by the Mayor, one of which shall be designated as chairman or liaison. All Standing Reference Committees shall act as a liaison between the Council and the departments assigned to such committees. All Standing Reference Committee Members shall serve at the pleasure of the Mayor, but no committee member shall be removed from his or her committee except for good cause. The Mayor or Borough Council President shall serve as an alternate member to any and all committees in the event that an alternate is not named or available. If either the Mayor or Borough Council President is unavailable, the chairman of the committee may, at his or her discretion choose an alternate from the remaining Council member.

Standing Reference Committees:

1. Administrative Committee: Ordinance

Oversight responsibilities: review all proposed drafts of ordinances prior to introduction at the Council level; suggest changes to text prior to final draft. Offer rationales to members of Council and general public in justification for proposed ordinances under consideration.

2. Administrative Committee: Finance, Budget and Insurance

Oversight responsibilities: review all Borough vouchers and purchase orders to determine completeness, accuracy, and compliance with existing purchasing policies of the Borough; conduct on-going reviews of existing Borough insurance policies for possible cost savings and/or improved coverages.

3. Public Utilities Committee:

Oversight responsibilities: coordinate work assignments and policy recommendations between Public Works and the Governing Body, including road department, water/sewer department, water/sewer collector's office, sanitation and recycling departments, and public buildings and grounds.

4. Personnel and Negotiations

Oversight responsibilities: recommend for action to the Governing Body, regarding any amendments or additions to the personnel policies of the Borough; review all complaints

referred by the Clerk or the Administrator dealing with personnel matters of the Borough; meet with the bargaining units of the Borough to negotiate collective bargaining agreements; recommend salary and benefit levels for non-bargaining unit employees of the Borough.

5. Public Safety Committee: Police, Fire and EMS

Oversight responsibilities: program activities and policies dealing with police and fire personnel and equipment, special police, crossing guards, traffic control, dog control, municipal court, judges, court administrator, and deputy court clerk.

6. Recreation Committee

Subject area: Council representative to the Recreation Committee.

7. Buildings and Grounds Committee

9:3 Standing Administrative Committees shall be appointed by the Mayor and confirmed by the Council as authorized by law. Standing Administrative Committees shall act on matters assigned or referred to it to meet the objectives of the Mayor and Council. The Planning Board appointment shall be within the sole power of the Mayor.

Standing Administrative Committees

(Including typical subject matter usually assigned to each committee and general departmental oversight responsibilities of each committee insofar as the powers, functions, duties, operations, policies, and procedures of such department concern.)

1. Planning Board

- a. Subject area: master plan for physical development of the Borough; administer the provisions of the land subdivision ordinance and site plan review ordinance of the Borough in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.
- b. Subject area: regulate and restrict the location and use of buildings and structures and land for residence, commerce, trade, industry, or other purposes, regulate and determine the size of yards and other open space and regulate the limits of the density of population.
- c. Oversight responsibilities: Planning Board Secretary, Planning Board Attorney, Planning Board Consultant.

3. Board of Health

Subject area: Public Health

Oversight responsibilities: Board of Health Secretary, Health Inspector.

9:4 Standing Special Committees: Oversight Responsibilities shall be appointed by the Mayor and may consist of citizens and/or Council Members of the Borough to review and make recommendations on matters assigned or referred to it to meet the objectives of the Mayor and Council.

Standing Special Committees

1. Emergency Management

Subject area: promulgation of an operational plan for emergencies.

2. Rules and Order Committee

Subject area: rules and order of the Mayor and Council and Standing Committees. The Rules and Order Committee shall consist of three Council members to be appointed by the Mayor and shall serve for one year.

3. Awards Committee

Subject area : awards and tokens of recognition to deserving employees, officers, and citizens of the Borough of Franklin.

8:5 The Emergency Management Local Emergency Planning Council (LEPC) shall be formed in compliance with the requirements of the Federal Emergency Management Agency, in cooperation with the State of New Jersey Office of Emergency Management and the Sussex County Office of Emergency Management.

CHAPTER X: DUTIES OF THE COMMITTEES

10:1 Each standing committee within its subject area is authorized to:

- A. Review any matter or question referred to it by the Mayor and Council and report to the Council for its consideration on any such matter or question with or without recommendations.
- B. Review and study, on a continuous basis, the application, administration and execution of State laws, Borough ordinances, and programs and the organizations, operations and rules and regulations to their subject area, to ascertain whether the laws and programs are effectively implemented in accordance with the intent of the law and Mayor and Council or require modification or elimination. To this end, the committees may conduct such investigations or studies, meet with such

public officials or private citizens, inspect such books, papers, documents, records, or other such data, visit such facilities, hold such hearings, issue such reports, or make such recommendations to the Mayor and Council of administrative actions as the committee may deem appropriate or as the Mayor and Council may direct.

- C. Perform such other duties as may be necessary in the exercise of its responsibilities as the Mayor and Council may direct.

10:2 The Mayor shall be an ex-officio member, without vote, on all standing committees.

10:3 In the absence of the chairman, or the vice-chairman or any member to attend any meeting of a committee duly convened by the chairman, the Mayor may temporarily appoint a member of the Council or private citizen to assume the responsibilities of that committee.

10:4 All committee appointments by the Mayor shall be made pursuant to Section 1:3 except those appointments provided for by the State statutes or Borough ordinances.

10:5 Each standing committee may adopt rules for its own operation and the conduct of its business, including rules governing the operation and conduct of any sub-committee thereof, provided such rules are not inconsistent with these rules.

10:6 The chairman of a standing committee may, with the consent of the Mayor, establish, and appoint the members of, such sub-committee of the committee as he or she may desire, for such purposes as he or she may specify. Members of a sub-committee shall serve at the pleasure of the chairman. A sub-committee may be dissolved at any time by the chairman.

10:7 Each standing committee shall meet at such time and place as its chairman shall designate, provided, however, such meetings comply with OPMA and that no such meeting shall be scheduled by the chairman in conflict with the schedule established by the Mayor for a day when the Council is in session.

10:8 If required by the Council, the chairman shall cause to be communicated to the Borough Clerk such information as may be necessary for the Clerk to give five days notice to the members of the Council of the time, place, and agenda of the meeting, the Clerk will then notify all Council Members of such committee meeting by placing such notice in the Council members Municipal mail boxes. If a Council Member wishes to attend, other than a committee member, he or she shall notify the Clerk at least 48 hours prior to the meeting if they plan to attend. If four or more Council Members will be in attendance, OPMA shall apply. No meetings shall convene if four or more Council Members are in attendance if proper notice has not been approved unless Section 2:6 applies.

10:9 All meetings at which official committee action is required with four or more Council members in attendance shall be open to the public unless, by resolution pursuant to Section 2:13, the governing Body chooses to enter into close session and minutes shall be taken.

10:10 Except in cases of emergency and upon special order of the Mayor, no matter or question shall be considered at a committee meeting unless the membership of the Council shall have been given five days notice of the time, place and agenda for such meeting and the matters or questions shall be listed on the agenda for such meetings.

10:11 If required by the Council, the chairman of each standing committee shall cause to report to the Mayor and Council no later than the next regular meeting of the Mayor and Council next following the committee meeting, a summary report of such meeting indicating (1) date of the meeting, (2) the presence or absence of each of the members, (3) the vote of each member present on the motions with respect to the matters or questions considered.

10:12 The chairman of a standing committee shall cause notice to be given to the chairman of the administrative committee whenever any matter or question of expending \$200.00 or more is considered or referred to such standing committee. The chairman of the administrative committee may furnish the standing committee or the Mayor and Council with a report stating the views of the administrative committee with respect to the fiscal implication of such matter or question.

10:13 Whenever a standing committee is directed by resolution of the Council or by order of the Mayor and Council to undertake any investigation or study, the chairman may request the Borough Clerk to provide for such research service and cause to prepare such reports as the committee determines will facilitate its consideration of the matter under investigation or study.

10:14 Any motion or resolution which will result in relieving a committee of a matter or question referred to it shall not be entertained unless 14 days notice shall be given the Council of the introduction of such motion or resolution. Debate shall be limited to whether or not the committee has given the matter of question fair and reasonable consideration. The chairman of the committee or another member, if the chairman is absent, shall be entitled to speak. A motion to table shall not be considered until such person(s) have been afforded the opportunity to so comment or respond, as the case may be. Such motion shall not prevail unless it shall receive an affirmative vote of the majority of all members of the Council.

10:15 The Mayor may appoint any commission, committee, or other body whose main purpose is to aid or assist the Council in performing its duties and functions. Council Members may be appointed to serve on any such body.

CHAPTER XI: CALL OF THE ROLL

11:1 The order of roll call for each regular meeting shall change so that a Council Member who is called first at one meeting, shall be called last at the next meeting, and so on and so forth. Beginning with the annual reorganization meeting, the Borough Clerk shall first call the Council Member whose surname is closest to the beginning of the alphabet. That Council Member shall be called first for all voice votes occurring at that meeting. The Council Member whose surname appears next in the alphabet shall be called second for all voice votes occurring at that meeting, and so on and so forth. At the next scheduled meeting, the Council Member who was called first previously will be called last and the Council Member who was called second previously, shall be called first. This order of roll call shall not be altered by the failure of a Council Member to appear at any meeting. For any other special, emergency, or workshop meetings, the order of roll call shall be determined alphabetically.

11:2 The results of every voice vote shall be recorded upon roll call by the Borough Clerk when so ordered by the Mayor or requested by any Council Member.

11:3 After taking of the yeas and nays on any motion, resolution, or question, no motion shall be received until a decision shall have been recorded and announced by the chair.

11:4 After the calling of the roll has been commenced upon any motion, resolution, or question, no member shall be permitted to explain his or her vote.

11:5 On any motion, resolution, or question requiring roll call vote, the yeas and nays shall be entered into the minutes.

CHAPTER XII: MOTIONS

12:1 Every motion, resolution, or question shall be reduced to writing if the Mayor or any Council Member desires it.

12:2 When a motion, resolution, or question is made and seconded, it shall be stated by the Mayor or being in writing, it shall be delivered to the Clerk and read aloud by the Clerk. It then shall be deemed in the possession of the Council and open for debate, but it may be withdrawn at any time before a decision or amendment.

12:3 When a motion, resolution, or question is under debate, no motion shall be received but:

A. To adjourn

- B. To lay on the table
- C. To postpone indefinitely
- D. To postpone to a day certain
- E. To commit to a standing committee
- F. To amend
- G. To withdraw

No motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall be again allowed on the same day. At the request of any Council Member, the vote on any such motion shall be by roll call.

12:4 When a motion, resolution, or question shall be made and seconded the same shall be entered on the minutes of the Council

12:5 A motion to adjourn shall always be in order, except when the Council is voting, while the Mayor or Council Member is addressing the Council, or immediately after a question to adjourn has been made. Motions to adjourn and lay on the table shall be decided without debate.

12:6 Any member may call for a division of a motion, resolution, or question if there is more than one distinct decision being requested by the motion, resolution, or question.

12:7 A majority of those members present on all motions, resolutions, or questions, unless otherwise specified by law or these rules, shall be sufficient to adopt or reject such motions, resolutions, or questions.

12:8 When a motion, resolution, or question has been once made and carried in the affirmative or negative, it shall be in order for any member who voted in the majority to move for reconsideration thereof, on the same day or on a subsequent day, provided however, it shall require a motion to reconsider to obtain the affirmative votes of at least three members who voted in the majority, on the motion, resolution, or question. All motions, resolutions, or questions may be considered by a majority of the members present, but motions to reconsider must have the same majority that would be necessary to pass them, and such vote on a motion to reconsider, shall be by taking the yeas and nays.

CHAPTER XIII: QUESTIONS OF PRIVILEGE

13:1 Questions of privilege:

- A. Those affecting the rights of the Council collectively, its safety, dignity, and the integrity of its proceedings.
- B. The rights, reputations, and conduct of its members, individually, in their elective capacity only.

13:2 Questions of privilege shall have precedence over all other questions, except motions to adjourn, but shall not be raised during debate on any question unrelated to that on which the member desires to speak on privilege.

CHAPTER XIV: POINTS OF ORDER

14:1 Any Council Member may appeal a decision of the chair upon a motion and seconded to do so. The Council shall, if appealed to, decide on the matter, but without debate and the votes of the majority of those present and voting shall prevail. If there is no appeal, the decision of the chair shall be submitted to.

CHAPTER XV: GENERAL PROVISIONS

15:1 Except as otherwise specifically provided in these rules, the proceedings of Council shall be governed by Roberts Rules of Order.

15:2 None of these rules shall be rescinded, suspended, or changed except by a vote of the majority of all Council Members upon motion thereof.

CHAPTER XVI: DEFINITIONS

“Clerk” or “Borough Clerk” shall mean the Municipal Clerk duly appointed pursuant to law.

“Chapter” shall mean one of the major divisions of the rules and order identified by Roman numeral.

“Committee,” “Board,” or “Commission” shall mean any group of people chosen to report or act on a certain matter or question.

Masculine gender includes the feminine and neuter.

“Motion” shall mean a proposal by a member of the Council or committee, that said Council or committee, on approval by a majority vote, take certain specific action.

Present tense includes the past and future.

“Resolution” shall mean a formal resolution, passed by a majority of the members of the Council or committee which expresses its policy or opinion.

“Section” shall mean a major subdivision of a chapter.

“Shall” is mandatory and “may” is permissive.

Singular number includes plural and plural number includes the singular.

“Sub-committee” shall mean any group of people chosen to review and report to the Council or a committee on a certain matter to assist the Council or committee in its work.

CHAPTER XVII: SEVERABILITY

17:1 If any chapter, section, subsection, paragraph, or sentence of these Rules of Council shall be declared to be unconstitutional, invalid, or inoperative in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection, paragraph, or sentence shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining chapter, section, subsection, paragraph, or sentence of these Rules of Council.

17:2 Rules of the Council can be changed at anytime with the consent or action of the Council.