

**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**  
**JANUARY 12, 2023**

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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 8, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."

- D. **PRESENTATIONS**  
There are no presentations this evening.

- E. **COMMITTEE REPORTS: Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

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

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

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

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

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

- H. **OLD BUSINESS:**

- I. **NEW BUSINESS:**

1. **Approval of the Minutes**

- a. Regular meeting minutes and executive session meeting minutes for December 20, 2022. (Absent: None)
- b. Organizational meeting minutes for January 1, 2023. (Absent: Limon)

2. **Resignation Letter from Andrew Bernath, CFO/Administrator** to accept the resignation letter effective January 31, 2023.

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING JANUARY 12, 2023**

3. Introduction of Ordinance 01-2023 entitled “BOROUGH OF FRANKLIN SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

**Public hearing to be held on February 14, 2023.**

4. Resolution #2023-15 to authorize additional hours for the part time finance assistant position up to a total of 29 hours per week at the current rate of \$17 per hour, effective immediately.
5. Department of Public Works Manager Agreement  
A motion is in order to approve the Superintendent of Public Works Department Agreement between the Borough of Franklin and Brian G. VanDenBroek, from January 1, 2023 to December 31, 2027.

J. EXECUTIVE SESSION – IF REQUESTED

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

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

- **Personnel Matters**
- **Anticipated Litigation**

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.

- 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.

**MINUTES OF THE MEETING OF THE  
JOINT PLANNING BOARD AND MAYOR AND COUNCIL AND  
REGULAR MAYOR AND COUNCIL MEETING  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
DECEMBER 20, 2022**

This meeting is being held in person adhering to the CDC guidelines and through a virtual meeting platform called ZOOM. The public who attended through ZOOM has been notified and instructed on how to join the meeting and participate during the public session.

Mayor Sowden called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Formica, Mrs. Heath, Mr. Limon, Mr. Postas, Mr. Skellenger (6:36pm), Mr. Snyder and Mayor Sowden.

Absent: None

Mayor Sowden requested the Borough Clerk to call the roll of the Planning Board. Upon roll call, the following members of the Planning Board were present: Mr. Suckey, Mr. Christiano, Mr. Estes (via ZOOM), Mr. Friend (via ZOOM), Mr. Raperto, Ms. Schultz, Mr. Williams, Councilman Formica and Mayor Sowden.

Absent: Mr. Nidelko

Mayor Sowden led the assembly in the flag salute.

Mayor Sowden stated "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 December 16, 2022, and posted on the Borough website, which adequate notice has been certified by the Clerk."

Mayor Sowden announced that members of the Historic Preservation Commission were in attendance and they were Mr. Phillip Crabb, Mrs. Judy Williams and Mrs. Connie Cholminski.

JOINT MEETING - MAYOR AND COUNCIL AND PLANNING BOARD

**PRESENTATIONS**

Historic Revitalization/Redevelopment of Main Street

Jessica Caldwell, PP, AICP, LEED GA, J. Caldwell & Associates, LLC and Thomas Edward Jones, Historic Preservation Planning (via Zoom) on the Historic Revitalization/redevelopment of Main Street.

Ms. Caldwell commented on the potential vision for Franklin Borough, community background and planning background. Commented on the Route 23 corridor being the main hub.

Ms. Caldwell asked what are some strengths and visions that some see for Franklin Borough.

Ms. Schultz commented that she likes the small-town feel.

Mr. Raperto commented that Franklin has a good commercial core.

Mrs. Heath commented that Franklin is a great place to raise children.

Mr. Postas commented that Franklin has a good basis for community. Most of the property that is in the redevelopment area, the town does not own. Franklin has a great Recreation Committee but no facility. We need to be willing to stick our necks out there to gain some property maybe through eminent domain. The Zinc Mine property is the area that we should try to get for a Recreation Facility.

Mr. Christiano commented that Mr. Postas' comments are recurring.

**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL**  
**AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

Mr. Limon commented that we are always waiting and no action is ever taken.

Mr. Williams commented that the upper section of the Zinc Mine is a gold mine.

Mr. Crabb commented that he is in agreement with Mr. Postas and Mr. Williams. He feels that the resurrection of a recreation center in the middle of town would be a draw. There's parking at the Zinc Mine property and we do not need to reconstruct a business area; it still exists.

Mr. Suckey commented that a survey of Main Street showed that 65% of the population are from the center of Main Street but can't walk to areas. There have been TCC meetings that have shown interest and ideas for the Zinc Mine property.

Ms. Caldwell asked what are the weaknesses or hurdles that need to be overcome to get to our visions.

Ms. Schultz commented that we need more overnight parking for residents.

Route 23 keeps people from Main Street.

Mr. Formica commented that there is lack of volunteers involved in various committees.

Mr. Suckey commented that we don't tout the town enough.

Ms. Caldwell asked about visioning opportunities.

Mr. Christiano commented that we need to take care of the small things and the big things will come.

Mr. Crabb commented that we need solid strategies with real goals.

Mr. Suckey commented that we need to be open minded and not go back to what it was.

Mr. Snyder commented that we had too many restrictions therefore businesses were not coming into Franklin.

Ms. Caldwell commented that the council should pick and choose yearly goals and implementation of those goals.

Mr. Thomas Jones, Historic Preservation Planning commented that he is familiar with the History of Franklin Borough and agrees with looking at the small things to start.

Mr. Limon commented on exterior requirements.

Mr. Formica commented to utilize new material that compliment what we have; don't bring in modern exteriors with what we currently have.

Mayor Sowden asked Mr. Jones to point out some of the financial possibilities that we could use to help us move forward.

Mr. Jones commented to stay with historic authenticity. There are grant options in New Jersey that's unique. Develop a grant opportunity list. If Franklin Borough was fully historic, we could get a 20% tax credit. Set goals for a six-month plan, 1 year or 5-year plan.

Mr. Christiano commented about the active rail line that runs through the town, is there any use of this that would benefit the town.

Mayor Sowden commented to start with Edison School house.

**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL**  
**AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

Mayor Sowden requested a motion to adjourn the Joint Meeting with the Planning Board and to begin the regular meeting. Mr. Formica made the motion to adjourn the joint meeting and begin the regular meeting, seconded by Mr. Skellenger. All were in favor.

Mayor Sowden requested a moment of silence for Detective Sergeant Joseph Kistle who passed away.

**COMMITTEE REPORTS**

Mr. Limon had nothing to report.

Mr. Postas had nothing to report.

Mr. Snyder had nothing to report.

Mr. Formica commented that the guiderails on County Route 631 have been replaced.

Mr. Skellenger had nothing to report.

Mrs. Heath commented that tree lighting went well. Mrs. Heath thanked Judy Williams, Jenna Houghtaling and Concetto Formica for decorating the tree and it looks beautiful. Eleven residents have signed up for the holiday home decorating contest.

Mrs. Tremont had nothing to report.

Mr. Bernath commented that we are continuing to work on the 2023 budget and the water tower bid opening is January 18, 2023 at 10:30am.

Mr. Ursin had nothing to report.

Mayor Sowden had nothing to report.

**OPEN PUBLIC SESSION**

Mr. Skellenger made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Postas. All were in favor.

Ms. Sharon Schultz, 51 Main Street Franklin, stepped forward. Ms. Schultz addressed the governing body regarding vape shops. She spoke to the lawyer and he made a comment that we might be targeting. She commented to let her know if we want to move forward.

Ms. Judy Williams, 279 Wildcat Road, Franklin stepped forward. Ms. Williams addressed the governing body regarding the Holiday Decorations. Ms. Williams commented that something needs to be figured out regarding the Christmas tree decorating because the tree is getting too big. Let's come up with a plan for new decorations.

Ms. Patti Carnes, 289 Rutherford Ave. Franklin stepped forward. Ms. Carnes addressed the governing body regarding the Zinc Mine property and eminent domain. Ms. Carnes asked the Council to think about a Plan B if Plan A doesn't work and to be mindful of the financial effects on residents.

Ms. Carol Truhan, 20 Nestor Street Franklin was granted permission to join the meeting after raising her hand via ZOOM. Ms. Truhan asked if there was any update on the parking on Nestor Street.

There being no one else present who wished to address the Governing Body, Mr. Postas made a motion to close the meeting to the public, seconded by Mr. Limon. All were in favor.

**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL  
AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

**CONSENT AGENDA**

Mayor Sowden requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

**CORRESPONDENCE** (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated December 1, 2022 from Timothy Day, Comptroller SCMUA to Mayor Sowden in re: Estimate Annual Charge 2023
2. Letter from SCMUA in re: FY2023 Final Rate Schedule Effective December 1, 2022.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court – November 2022
2. Construction Permit List – October 2022
3. Construction Permit List – November 2022
4. Construction Permit Activity Report – November 2022
5. St. Clare's EMS report – May through November 2022
6. Police Department Report – November 2022
7. County Board of Health Report – November 2022

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. None filed.

**RESOLUTIONS** (APPROVAL OF THE FOLLOWING):

1. Resolution #2022-119 to approve a budget transfer in the amount of \$9,065.00.
2. Payment of bills for the meeting of December 20, 2022.

Mr. Limon made a motion to approve the consent agenda of December 20, 2022. Seconded by Mrs. Heath.

Mr. Snyder requested the removal of PO #35960 from the consent agenda and vote on it separately.

Mr. Limon made a motion to approve the consent agenda of December 20, 2022 with the removal of PO# 35960. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Mr. Postas made a motion to approve PO# 35960, seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Heath, Limon, Postas, Skellenger

Nays: None Absent: None Abstentions: Formica, Snyder

**OLD BUSINESS**

There was no old business for tonight's portion of the meeting.

**NEW BUSINESS**

**Approval of the Minutes**

Mr. Skellenger made a motion to approve the regular meeting minutes for November 22, 2022. (Absent: Postas) Seconded by Mr. Limon,

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: None Abstentions: Postas

**Resolution #2022-117**

Mr. Postas made a motion to approve Resolution 2022-117 to authorize the Tax Collector to refund deposits as listed in resolution 2022-117 via ACH credit. Seconded by Mr. Skellenger.

Upon roll call vote:

**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL  
AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**Resolution #2022-118**

Mrs. Heath made a motion to approve resolution 2022-118 appointing Nicholas Della Fera of the Franklin Borough Police Department as secondary Humane Law Enforcement Officer pursuant to N.J.S.A. 4:19-14.1 for the purpose of enforcing animal welfare laws and regulations within Franklin Borough. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**Adoption of Ordinance 17-2022**

Mr. Snyder made a motion to adopt ordinance 17-2022 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 200-6, REGARDING PEDDLERS LICENSES". Seconded by Mr. Skellenger.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 17-2022.

Mr. Skellenger made a motion to open to the public ordinance 17-2022, seconded by Mr. Postas. All were in favor.

There being no one present who wished to address the governing body, Mr. Skellenger made a motion to closed to the public ordinance 17-2022. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**PSAP agreement with Sparta**

Mrs. Heath made a motion to approve the Public Safety Answering Point (PSAP) to provide a 9-1-1 enhanced emergency telephone network to meet state requirements for a Five-year-period beginning January 1, 2023, at the rate of \$97,865.00 with a 2% increase in each subsequent year ending December 31, 2027. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**Shared Service Agreement for Deer Carcass Removal**

Mr. Limon made a motion to approve the Shared Service Agreement through December 31, 2023, between Space Wild Animal Farm Inc. and the Borough of Franklin for deer carcass removal from Municipal Road rights-of-way at the rate of \$29.00 per deer. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**Franklin Borough Police Department Request**

Mrs. Heath made a motion to approve the request from Chief Cugliari to begin a hiring process in anticipation of retirements in the police department. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder  
Nays: None Absent: None Abstentions: None

**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL  
AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

**Solid Waste and Recycling Bid**

Mr. Formica made a motion to accept the bid for Solid Waste and Recycling Collection from Blue Diamond Disposal Inc., for a 3-year contract to begin January 1, 2023 and ending December 31, 2025 in the amount of \$1,692,000.00. Seconded by Mr. Skellenger.

Mr. Formica commented that now is the time to look into a garbage collection shared service or having Franklin collect its own garbage.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: Postas Absent: None Abstentions: None

**Mayoral Appointments**

Mayor Sowden made the following appointments:

**Crossing Guard Hire**

Mr. Formica made a motion a motion to appoint Susan Hardcastle as substitute crossing guards at the rate of \$15.02/hr. effective immediately, contingent upon successful physical and background check, as recommended by Rebecca Babcock, Crossing Guard Captain. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**Recreation Committee**

Mr. Limon made a motion to appoint Frederick Babcock - Member to a 3-yr. unexpired term ending 12/31/2024. As recommended by the Recreation Committee. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

**The Franklin Band Request**

Mr. Skellenger made a motion to approve the request to waive the fees and to use the Senior Center for their meetings on December 27, 2022, 10:00AM - 1:00PM, January 3, 2023 and January 10, 2022, 7:00PM - 9:00PM, January 8, 2023, April 2, 2023, June 4, 2023 and October 1, 2023, 2:00PM – 4:00PM. Seconded by Mr. Postas.

Mrs. Tremont commented that the date of December 27, 2022 is being removed from the request as the Senior Center is not available during the time requested.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: Heath Absent: None Abstentions: None

**Franklin Quilters Request**

Mr. Skellenger made a motion to approve the Franklin Recreation Committee Sponsored, "Franklin Quilters" request to waive the fees and to use the Senior Center for their meetings on the 3rd Saturday of every month for year 2023. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Limon, Postas, Skellenger, Snyder

Nays: Heath Absent: None Abstentions: None

**Discussion on DPW Supervisor position**

No discussion took place.



**JOINT MEETING OF PLANNING BOARD AND MAYOR COUNCIL  
AND REGULAR MAYOR & COUNCIL MEETING MINUTES DECEMBER 20, 2022**

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Postas made a motion to adjourn into closed executive session to discuss personnel and contract negotiation matters. Motion seconded by Mr. Skellenger. All were in favor.

Mr. Ursin commented that there may be official action taken after executive session.

**ADJOURNMENT**

At 8:04pm, the Mayor and Council adjourned into executive session and did not return into open public session.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk

**MINUTES OF THE ORGANIZATION MEETING  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF FRANKLIN  
HELD AT THE FRANKLIN MUNICIPAL BUILDING  
46 MAIN STREET, FRANKLIN, NJ  
JANUARY 1, 2023**

This meeting is being held in person adhering to the CDC guidelines and through a virtual meeting platform called ZOOM. The public who attended through ZOOM has been notified and instructed on how to join the meeting and participate during the public session.

Mayor Sowden called the meeting to order.

Mayor Sowden stated "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 7, 2022, and posted on the Borough website, which adequate notice has been certified by the Clerk."

Mayor Sowden led the assembly in the flag salute.

**Roll Call of 2022 Borough Council Members**

**Mayor Sowden** requested a roll call of the 2022 Governing Body:

Present: Mr. Formica, Mrs. Heath, Mr. Postas, Mr. Skellenger, Mr. Snyder, and Mayor Sowden.

Absent: Mr. Limon

**Oaths of Office**

- a. **Ms. Tremont** read the "Statement of Determination" of the Board of County Canvassers.
- b. **Mayor Sowden** recognized the Honorable Steven V. Oroho, Senator who will administer the Oath of Office to Councilman-elect Concetto Formica and Councilman-elect Stephen Skellenger
- c. **Honorable Steven V. Oroho, Senator** administered the Oath of Office to Councilman-elect **Concetto Formica** for a three-year term as Councilman of the Borough of Franklin.
- d. **Honorable Steven V. Oroho, Senator** administered the Oath of Office to Councilman-elect **Stephen Skellenger** for a three-year term as Councilman of the Borough of Franklin.

**Roll Call of 2023 Borough Council Members**

**Mayor Sowden** requested a roll call of the 2023 Governing Body.

Present: Mr. Formica, Mrs. Heath, Mr. Postas, Mr. Skellenger, Mr. Snyder and Mayor Sowden.

Absent: Mr. Limon

**Council Appointment: Council President**

**Mayor Sowden** opened the floor for Council nominations to the position of **Council President** for 2023.

Mr. Formica nominated Mr. Postas as the Council President for the year 2023. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Postas

## MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023

### Fire Department Chief and Line Officers

- a. **Mayor Sowden** recognized the Chief of the Franklin Fire Department for 2023, Khyle Conklin.
- b. **Ms. Tremont** administered the Oath of Office to the Chief of the Franklin Fire Department for 2023, Chief Khyle Conklin.
- c. **Ms. Tremont** recognized Fire Chief Khyle Conklin who introduced the 2023 Line Officers and Administrative Officers of the Franklin Fire Department.
- d. **Ms. Tremont** administered the Oath of Office to the **Line Officers and Administrative Officers** of the Franklin Fire Department for 2023.

### Mayor's Appointments

At this time, **Mayor Sowden** presented his nominations for appointment to the various positions of Borough Government for the year 2023.

Prosecutor (1 yr.)	Anthony DenUyl, Esq.
Public Defender (1 yr.)	John Grey, Esq.
Municipal Housing Liaison (1 yr.)	Andrew Bernath
Right to Know Coordinator	Brian VanDenBroek
Assessment Search Officer (1 yr.)	Darlene Tremont
Tax Search Officer (1 yr.)	Township of Wantage
Borough Physician (1 yr.)	Dr. Bollard, Premier Health
Animal Control Officer (1 yr.)	Vernon Township
School Crossing Guard Captain (1 yr.)	Rebecca Babcock
School Crossing Guards (1yr.)	Jaymie Babcock, Kathleen
	Clohessey, Lisa Conte, Heather
	Fasolo, Michelle Griece, Susan
	Hardcastle, Charles Hughes, Mary
	Payton, Cara Ross, Robin Saraceni,
	Amanda Tassillo, Rachel VanDyk
Emergency Management Coordinator	Jim Williams
(3 yrs.) (Expires 12/31/2025)	

Mr. Postas made a motion to confirm the Mayor's Appointments. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

### Appointments: Planning Board

Mayor Sowden commented the **Council** shall, by motion, select a representative to serve on the Planning Board as a Full Member Class III (1 yr.)

Mr. Skellenger made a motion to nominate Councilman Formica to serve as the Class III member for a 1-year term to the Planning Board. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Formica

**Mayor Sowden** made the following appointments to the Planning Board:

Mayor (Class I)	Mayor Sowden
Fire Safety (Class II) 1 yr. term (term expires 12/31/2023)	Jim Williams
Member (Class IV) 4 yr. unexpired term (expires 12/31/2024)	Michael Raperto
Alternate #1 2 yr. term (term expires 12/31/2024)	Sharon Schultz
Alternate #2 2 yr. term (term expires 12/31/2024)	Vacant

**MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023**

Mr. Formica made a motion to confirm the Mayor's Appointments. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**Appointments: Boards and Commissions**

**FRANKLIN/HARDYSTON JOINT RECREATION COMMITTEE**

All current Board of Recreation Committee Members 1-year term

**RECREATION COMMITTEE**

Council Liaison		Rachel Heath
Member	3-year term (term expires 12/31/2025)	Concetto Formica
Member	3-year term (term expires 12/31/2025)	Sandra Westermann
Member	3-year term (term expires 12/31/2025)	Vacant

Mrs. Heath made a motion to confirm the Mayor's Appointments. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Formica, Heath

**BOARD OF HEALTH**

Member	4-year term (term expires 12/31/2026)	Marianne Dunnican
Member	4-year term (term expires 12/31/2026)	Joanne Tatka
Secretary	1-year term (term expires 12/31/2023)	Colleen Little

Mr. Postas made a motion to confirm the Mayor's Appointments. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**LOCAL EMERGENCY MANAGEMENT COUNCIL**

Mayor	1-year term	John M. Sowden
Deputy	1-year term	Gregory Cugliari
Member/OEM	3-year term	Jim Williams
Member/FFD	1-year term	Khyle Conklin
Member/WVFAS	1-year term	John Friend
Member	1-year term	Hector Acevedo
Member	1-year term	Andrew Bernath
Member	1-year term	James Nidelko
Member	1-year term	Steve Sluka
Member	1-year term	Brian VanDenBroek

Mr. Formica made a motion to confirm the Mayor's Appointments. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

**ECONOMIC DEVELOPMENT COMMITTEE**

Member/Secretary	1-year term	Judy Williams
Member	1-year term	Keith Yodice

## MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023

Member	1-year term	Dawne Rowe
Member	1-year term	Vacant
Member	1-year term	Vacant
Member	1-year term	Vacant
Member	1-year term	Vacant
Member/Council	1-year term	Concetto Formica
Alternate #1	1-year term	Vacant
Alternate #2	1-year term	Vacant

Mr. Postas made a motion to confirm the Mayor's Appointments. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Formica

### HISTORICAL PRESERVATION COMMISSION

Member	4-year term (term expires 12/31/2026)	Donald DeVore
Ex-Officio	1-year term (term expires 12/31/2023)	Mayor Sowden
Council Liaison	1-year term (term expires 12/31/2023)	John Postas

Mrs. Heath made a motion to confirm the Mayor's Appointments. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Postas

### RENT LEVELING BOARD

Member	5-year term (term expires 12/31/2026)	Vacant
Member/Council	1-year term (term expires 12/31/2023)	Vacant
Member/Council	1-year term (term expires 12/31/2023)	Vacant
Alt# 1	1-year term (term expires 12/31/2023)	Vacant
Alt#2	1-year term (term expires 12/31/2023)	Vacant
Attorney	1-year term (term expires 12/31/2023)	Angelo Bolcato Laddey, Clark & Ryan

Mrs. Heath made a motion to confirm the Mayor's Appointments. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

### COMMUNITY RELATIONS:

Council Representative: Stephen Skellenger

Mr. Formica made a motion to confirm the Mayor's Appointments. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Snyder

Nays: None Absent: Limon Abstentions: Skellenger

**Recreation Committee, Economic Development, also serves as the "Awards Committee."**

Member:	Judy Williams	Economic Development
Member:	Barbara (Bobbi) Formica	Recreation Committee
Liaison:	Rachel Heath	Joint Recreation Commission

## **MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023**

Mr. Postas made a motion to confirm the Mayor's Appointments. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: Formica, Heath

### **COUNCIL COMMITTEE DUTIES**

#### **Council Committee Duties:**

##### **Ordinance:**

Chairman: Mr. Formica

Member: Mr. Skellenger

Member: Mrs. Heath

##### **Finance, Budget & Insurance:**

Chairman: Mr. Snyder

Member: Mrs. Heath

Member: Mr. Limon

##### **Public Utilities:**

Chairman: Mr. Postas

Member: Mr. Skellenger

Member: Mr. Limon

##### **Personnel & Negotiations:**

Chairman: Mr. Snyder

Member: Mrs. Heath

Member: Mr. Formica

##### **Public Safety - Police & Fire:**

Chairman: Mr. Skellenger

Member: Mr. Snyder

Member: Mrs. Heath

Alternate: Mr. Postas

##### **Buildings & Grounds:**

Chairman: Mr. Formica

Member: Mrs. Heath

Member: Mr. Postas

##### **Approval of Consent Agenda**

**Mayor Sowden** requested that all 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 be made at this time.

##### **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.).

##### **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.

##### **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.

## MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023

### **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.

### **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.

### **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.

### **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.

### **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.

### **RESOLUTION #2023-09 – PAYMENT OF RECURRING BILLS RESOLUTION**

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

### **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.

### **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.

### **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.

### **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.).

### **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.

### **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.

### **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.

## MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023

### 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.

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

Mr. Snyder made a motion to approve the consent agenda for January 1, 2023.  
Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: Limon Abstentions: None

### OPEN PUBLIC SESSION

Mr. Postas made a motion to open the meeting to the public. Seconded by Mr. Skellenger. All were in favor.

There being no one present who wished to address the governing body, Mr. Skellenger made a motion to close the meeting to the public, seconded by Mrs. Heath. All were in favor.

### Mayor's Statement

**Mayor Sowden** addressed the Council and the public with remarks concerning the priorities and goals for the Borough of Franklin in 2023.

Mayor Sowden thanked everyone for coming and welcome to 2023; 110 years later after the Borough of Franklin incorporated. We have many goals and objectives to accomplish throughout the year. Some of those goals and objectives are finding an additional water source, water tower repainting, paving of streets, storm water management review, replacing the Welcome to Franklin signs, upgrade the Holiday Lights on Main Street, pond beautification and committee communications with other groups (i.e., TCC meetings). We want to make Franklin an inviting town to work and live in and we need to rethink how Franklin does business. We are looking at many ways to reach out to surrounding towns to provide cost savings measures to make it so it is cost effective to live here. We need to look at ways to capitalize on Franklin's past. First by starting at the Zinc Mine Property and work on the Edison School House/Hungarian Church. The Council will have to make a decision on how they want to restore the Edison School House/Hungarian Church. We need to be very conscious on how the tax dollars are spent and how we plan on making Franklin affordable. Mayor Sowden thanked the Council Members and all the employees and committee members for their hard work and dedication.

### Council Comments

**Mayor Sowden** invited each member of the Council to offer remarks concerning the 2023 Council's goals and priorities.

Mr. Postas thanked the Council for voting him in as Council President and thanked Councilman Formica for keeping us on track this past year. Mr. Postas thanked Senator Oroho and Commissioner Fantasia for attending the meeting. Mr. Postas commented that we need to address the properties on Main Street. Mr. Postas also thanked the Franklin Fire Department and all the employees.

Mr. Snyder wished everyone a Happy and Healthy New Year and commented that we must have better dialogue with the Planning Board.

Mr. Formica wished everyone a Happy New Year and thanked everyone for coming. He thanked his family for all their support. Mr. Formica commented this is the beginning of my second term; the first one was a wild one with the pandemic. I am very confident of what we will accomplish moving forward. We had our differences



## MAYOR & COUNCIL MEETING MINUTES JANUARY 1, 2023

but in the end we always came together. Mr. Formica also thanked the Fire Department, Police Department, DPW and all the employees for their hard work and dedication.

Mr. Skellenger wished everyone a Happy New Year and thanked everyone for coming including his family. Mr. Skellenger commented he is looking forward to serving the residents of Franklin for the next 3 years. Mr. Skellenger thanked all employees for the hard work and dedication.

Mrs. Heath wished everyone a Happy New Year. Mrs. Heath thanked the Fire Department, Police Department, DPW and commented that we have the best employees.

### **Adjournment**

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 12:40pm, seconded by Mr. Postas. All were in favor.

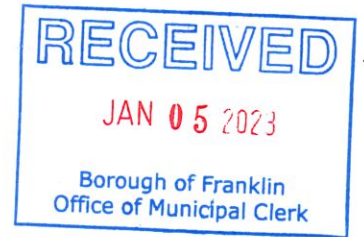
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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk

Andrew Bernath  
10 Jones Farm Lane  
Oxford, NJ 07863  
732-861-5233



1/5/2023

John Sowden  
Mayor  
Franklin Borough  
46 Main Street  
Franklin, NJ 07416

John,

I would like to inform you that I am resigning from my positions as Chief Financial Officer, Purchasing Agent and Administrator for Franklin Borough, effective January 31, 2023.

Thank you for the support and the opportunities that you have provided me. I have truly enjoyed my tenure with the borough, and am more than grateful for the encouragement and advice you have given me in pursuing my professional and personal goals. The staff that has been built in the Borough is one of if not the best group I have had the pleasure to work with in my career in municipal government, it was not an easy decision but an opportunity that I could not pass.

If I can be of any assistance during this transition in order to facilitate the seamless passing of my responsibilities to my successor, please let me know. I would be glad to help however I can.

Sincerely,

A blue ink handwritten signature, appearing to be "A. Bernath", written in a cursive style.

Andrew Bernath

**ORDINANCE NO. 01-2023**

**BOROUGH OF FRANKLIN  
SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2023  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

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

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

**WHEREAS**, the Mayor and Council of the Borough of Franklin in the County of Sussex finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council of the Borough of Franklin hereby determines that a 3.5% increase in the budget for said year, amounting to \$262,766.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Franklin, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Franklin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$262,766.07, and that the CY 2023 municipal budget for the Franklin Borough be approved and adopted in accordance with this ordinance; and,

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

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

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

**BE IT FURTHER ORDAINED** that this ordinance shall be applied retroactively to be applicable to the introduction and adoption of the 2023 Municipal Budget.

Attest:

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Darlene J. Tremont, Municipal Clerk

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John M. Sowden, IV, Mayor

## **NOTICE**

TAKE NOTICE that the above entitled Ordinance 01-2023 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on January 12, 2023 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on February 14, 2023 at 7:00 p.m.

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

## **CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the \_\_\_\_ day of February, 2023.

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

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

Introduced: January 12, 2023

Adopted:

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

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

# **Borough of Franklin, County of Sussex**

## **Resolution #2023-15**

### **Resolution Authorizing Additional Hours for the Part Time Finance Assistant**

**WHEREAS**, the Borough of Franklin Mayor and Council authorized hiring Sandra Cowan as part time finance Assistant for up to 25 hours per week as per Resolution No. 2022-61;

**WHEREAS**, the Borough of Franklin feels the need exists to add hours to the part time finance assistant position;

**WHEREAS**, after the Borough Administrator's assessments they recommend increasing Sandra Cowan's total hours not to exceed 29 hours per week at her current hourly rate of \$17 per hour, effective immediately;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin does authorize Sandra Cowan's hours not to exceed 29 hours per week at the rate of \$17 per hour effective 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 a regular meeting held on January 12, 2023.

\_\_\_\_\_  
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)				

## EMPLOYMENT AGREEMENT

**THIS AGREEMENT**, made this \_\_\_\_\_ of \_\_\_\_\_, 202\_\_ by and between **THE BOROUGH OF FRANKLIN**, a Municipal Corporation of the State of New Jersey, having its principal offices located at 46 Main Street, Franklin, New Jersey (hereinafter "Borough")

and

**BRIAN VANDENBROEK** (hereinafter "Employee")

### WITNESS:

WHEREAS, the Borough is a municipal corporation of the State of New Jersey, County of Sussex; and

WHEREAS, Employee has served as the Director of Public Works since July 1, 2011; and has been appointed by resolution as Principal Public Works Manager pursuant to NJSA 40A:9-154.6.

WHEREAS, it is deemed to be to the mutual advantage and benefit of both parties for the Borough to continue to employ the Employee and for Employee to work for the Borough upon the terms and conditions embodied in this Agreement.

NOW, THEREFORE, in consideration of their mutual covenants and promises contained in this Agreement and for other valuable consideration, the receipt and sufficiency of which is acknowledged by each of them, the parties do agree as follows intending to be legally bound hereby:

#### 1. EMPLOYMENT AND DUTIES.

The Borough hereby employs Employee upon the terms and subject to the conditions set forth in this Agreement as its Director of Public Works and to perform such other duties and with such powers as are specifically set forth in N.J.S.A. 40A:9-154.6a et seq. §5-43, of the Code of the Borough of Franklin.

Employee is to maintain Public Works Management Certification/CPWM. Borough will pay the costs of the future required classes for the Certified Public Works Management Certification, allot time to be used in association with their full completion and continued education as required (Registration Fees, Travel Expenses, Personal, Vacation, Compensation Time used for CPWM Program Course attendance and use of a borough vehicle in accordance with the terms set forth in the Borough's Employee Handbook.)

**Other responsibilities:**

The Employee will prepare and submit to the Administrator an administrative organization chart with specific job descriptions for all employees and supervise the on-call program. The Employee will, in conjunction with other Borough employees or officials aid in preparation, creation and implementation of the Budget for the Department of Public Works.

Employee will be responsible to maintain all water and waste water system licenses and/or certifications to continue compliance with all New Jersey Department of Environmental Protection regulations and requirements to operate the Borough's Water and Waste Water Utility for the length of this contract.

**2. PERFORMANCE.**

Employee agrees to diligently and conscientiously devote his full time and attention to, and to exert his best efforts for the Borough in, the performance of his duties, as assigned, in a trustworthy, loyal, businesslike, professional and efficient manner, all for the purpose of furthering the business of the Borough without additional compensation pursuant to the Fair Labor Standards Act, within reason. Employee recognizes that, although his normal\* hours are 8am to 4pm Monday-Friday, exclusive of a one (1) hour lunch period.

\*For the purposes of this agreement, "NORMAL" is defined as an example. Hours can vary with the season or as required.

**3. TERMS OF AGREEMENT.**

The governing body, pursuant to has elected to award the Employee a contract for a five-year term. The initial term of employment under this Agreement shall begin on January 1, 2023 and shall continue until December 31, 2027 or such time as a successor agreement or amendment is executed. This contract will succeed the previous agreement.

**4. COMPENSATION.**

In consideration for all of the services to be rendered by the Employee as defined in this Agreement as well as any additional capacity to the Borough, the Borough shall pay Employee the following:

Employee has an annual base salary of \$112,495.00 and will receive an increase of \$25,000 on January 1<sup>st</sup> 2023 and 2.00% annually on January 1 during the successive years of this Agreement. The base salary for 2023 will be \$137,496.00; for 2024 the base salary will be \$140,245.92; for 2025 the base salary will be \$143,050.84; for 2026 the base salary will be \$145,911.86 and the base salary for 2027 will be \$148,830.09.

## **5. ALLOWANCES**

Annual Clothing allowance of \$750.00.

Use of a Borough vehicle for official business due to anticipated or ongoing inclement weather as well as response to any official duties outside of regularly scheduled work hours.

## **6. VACATIONS, PERSONAL AND SICK DAYS, AND HOLIDAYS.**

During the term of his employment, Employee shall be entitled to Vacation, Personal and Sick Days pursuant to the policies of the Borough of Franklin or as set forth in the current DPW contract.

## **7. INSURANCE.**

During the term of his employment, the Borough shall supply Employee and his wife and children, if any, health and other insurance benefits as provided in the Borough's Personnel Policy Manual. Employee recognizes the municipality's right to supplement and/or amend said policies from time to time. Employee agrees to contribute a percentage of his salary toward the cost of his medical insurance as required by law.

## **8. BOROUGH PERSONNEL POLICIES.**

The Employee's employment shall be governed by the Borough's Personnel Policy Manual. Employee acknowledges that any terms and conditions of employment not addressed in this Employment Agreement shall be governed by the Personnel Policy Manual. Employee acknowledges the Borough's right to amend or supplement any personnel policy contained in the manual at any time during the term of this Agreement.

## **9. NOTICE.**

All notices and other communications required, permitted or provided for in this Agreement shall be in writing and shall be deemed to have been properly given upon being hand-delivered or three (3) days after being mailed by Certified Mail, Return Receipt Requested, to the parties at the addresses set forth in the Preamble of this Agreement or to such other address as any of the parties may subsequently designate in writing to the other party.

## **10. ENFORCEABILITY.**

This Agreement shall be binding upon the parties, their heirs, successors, survivors, or assigns, and constitutes the entire agreement between them. The Agreement may be specifically enforced by either party in the Courts of the State of New Jersey and the laws of the State of New Jersey shall control hereunder. In the event any part of this Agreement is declared null and void, contrary to public policy, or unenforceable, only that portion deemed unenforceable shall be affected and all remaining portions shall remain in full force and effect.



**11. CELL PHONE.**

The Borough shall provide the employee with \$40.00 per month cell phone stipend for Borough business.

**12. HEADINGS.**

The headings set forth in this Agreement are merely intended as descriptive aides in locating various clauses and shall have no separate independent legal meaning or effect.

**13. ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF TRUE COPY.**

Each of the parties to this Employment Agreement acknowledges that each fully understands each of the terms and provisions of this Agreement and of the legal consequences of executing this Agreement; that each has had the opportunity prior to execution of this Agreement to review and to discuss this Agreement with an attorney of their choosing; and that each voluntarily executes this Agreement.

**EACH PARTY ACKNOWLEDGES RECEIPT OF A COMPLETE AND FULLY EXECUTED AGREEMENT.**

**IN WITNESS WHISEOF**, the parties hereto have caused this Agreement to be duly executed and delivered as of the day and year set forth in the Preamble of this Agreement.

ATTEST:

BOROUGH OF FRANKLIN

WITNESS:

EMPLOYEE:

\_\_\_\_\_

\_\_\_\_\_  
Brian VanDenBroek