

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
OCTOBER 12, 2021

- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
There are no presentations this evening.
- E. **COMMITTEE REPORTS:** **Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

Mayor Sowden will offer the Mayor's Report.

- F. **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 motion is in order to approve the regular meeting minutes for September 28, 2021. (Absent: None)

2. **Application for Use of Municipal Building or Property**

A motion is in order to approve the revised application for use of Municipal Building or Property. (Revised application included in Council Packets)

REGULAR AGENDA – MAYOR AND COUNCIL MEETING OCTOBER 12, 2021

3. **Franklin Borough Recreation Committee Sponsorship**

A motion is in order to confirm the Franklin Borough Recreation Committee as sponsors of the Franklin Seniors to conduct Bingos for the Senior Citizens of the Borough of Franklin one day per week to be held in the Franklin Senior Center.

4. **Resolution #2021-96**

A motion is in order to adopt resolution 2021-96 requesting approval of items of revenue and appropriation NJS 40A:4-87 in the amount of \$65,000, resulting of funds from the NJ Highlands Council.

5. **Resolution #2021-97**

A motion is in order to adopt resolution 2021-97 confirming the Mayoral appointment of William Caraballo as substitute crossing guard pending upon the results of required background check at the rate of \$14.44 per hour. (Email of recommendation from Lynn Prtorich, Head Crossing Guard included in Council packets)

6. **Resolution #2021-98**

A motion is in order to adopt resolution 2021-98 awarding contracts for the purchase of dump truck in the amount of \$192,255.00.

7. **Adoption of Ordinance 13-2021**

A motion is in order to adopt ordinance 13-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V “ZONING,” SECTION 161-27(B) OF THE BOROUGH CODE AND THE ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE CLASSIFICATION OF BLOCK 2401, LOT 20 FROM “R-1” SINGLE-FAMILY RESIDENTIAL TO “I” INDUSTRIAL”.

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 13-2021.

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,

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.

**Borough of Franklin
County of Sussex
RESOLUTION# 2021-96**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget: and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Franklin in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$65,000.00, which is now available from the NJ Highlands Council.

BE IT FURTHER RESOLVED, that the likely sum of \$65,000.00 is hereby appropriated under the caption 2021 Highlands Master Plan Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the NJ Highlands Council in the amount of \$65,000.00

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on October 12, 2021.

Darlene J. Tremont, Municipal Clerk

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

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
RESOLUTION NO. 2021-97**

MAYORAL APPOINTMENT OF SUBSTITUTE CROSSING GUARD

WHEREAS, Mayor Sowden wishes to appoint William Caraballo as Substitute Crossing Guard for the remainder of the year 2021 at the rate of \$14.44 per hour;

WHEREAS, the appointment of William Caraballo is pending upon the results of required background check;

WHEREAS, the Council confirms the Mayor's appointments;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that William Caraballo is hereby appointed Substitute Crossing Guard for the Borough of Franklin at the rate of \$14.44 per hour pending upon results of required background check.

CERTIFICATION: I, Darlene J. Tremont, certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a meeting of said Governing Body held on October 12, 2021.

Darlene J. Tremont, Municipal Clerk

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

Resolution No. 2021-98

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AWARDING CONTRACT FOR PURCHASE OF DUMP TRUCK

WHEREAS, the Borough of Franklin received quotations from a national Co-Op and local Sussex Co-Op;

WHEREAS, the lowest responsive and responsible quotation received for the Cab and Chassis was from Robert H. Hoover & Sons through the Sussex County Co-Op;

WHEREAS, the lowest responsive and responsible quotation received for the Dump Truck Body was obtained from Henderson Products, Inc. through the National Co-Op, Sourcewell contract number 080818-HPI;

WHEREAS, the Public Works Department Manager has reviewed the quotations and is recommending the award of the contract to Robert H. Hoover for the purchase of the Cab and Chassis in the amount of \$105,430.00 and the award of the contract to Henderson Products, Inc. for the purchase of the Dump Truck body in the amount of \$85,625.00;

WHEREAS, the Public Works Department Manager will also require the purchase for the dump truck a Two Way High Band Radio in the amount of \$650.00 and Truck Lettering in the amount of \$550.00.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C. 5:34-5.1 ET SEQ, I Angelica Sabatini, Interim CFO, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

Angelica Sabatini, CFO/QPA

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin that a contract for the Proposed Purchase of the Cab and Chassis to Robert H. Hoover & Sons in the amount of \$105,430.00 and the Dump Truck Body to Henderson Products, Inc. through the Sourcewell Contract #080818-HPI in the amount of \$85,625.00.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on October 12, 2021.

Darlene J. Tremont, Municipal Clerk

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

**BOROUGH OF FRANKLIN
ORDINANCE NO.13-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V
“ZONING,” SECTION 161-27(B) OF THE BOROUGH CODE AND THE
ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE
CLASSIFICATION OF BLOCK 2401, LOT 20 FROM “R-1” SINGLE-
FAMILY RESIDENTIAL TO “I” INDUSTRIAL**

WHEREAS, on August 16, 2021, at its regular public meeting, the Borough of Franklin Planning Board (“Planning Board”) unanimously voted to recommend to the Mayor and Council that property designated on the Official Tax Maps of the Borough as Block 2401, Lot 20, commonly known as 12 Munsonhurst Road (“Property”), be re-zoned from “R-1” Single-Family Residential to “I” Industrial as depicted on **Exhibit A**; and

WHEREAS, the Planning Board’s stated purpose for recommending re-zoning the Property is to reflect more appropriate uses consistent with the type of building and zoning of the adjacent property located to the south; and

WHEREAS, the Borough Council of the Borough of Franklin is in accord with and accepts the recommendation of the Planning Board to re-zone the Property as stated above; and

WHEREAS, the Borough Council now desires to amend its land use and development regulations, specifically the Zoning Map of the Borough, adopted September 14, 2010, to reflect the above-described zone change.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Article V “Zoning,” Section 161-27(B) of the Borough Code and the Zoning Map of the Borough are hereby amended as follows:

SECTION 1. The zone classification of property identified as Block 2401, Lot 20 on the Official Tax Maps of the Borough of Franklin, commonly known as 12 Munsonhurst Road, is hereby changed from “R-1” Single-Family Residential to “I” Industrial to reflect more appropriate uses consistent with the type of building and zoning of the adjacent property to the south.

SECTION 2. The Zoning Map of the Borough of Franklin, adopted September 14, 2010, is hereby considered, and shall be amended to reflect the depiction of the foregoing change in zone classification.

SECTION 3. If any section, paragraph, subdivision, clause, sentence, phrase, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. All ordinances, policies, and procedures, or parts thereof, in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

SECTION 5. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the Sussex County Planning Board pursuant to N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof, and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. Pursuant to N.J.S.A. 40:55D-62.1, notice of the date, time, and place of the hearing and a copy of this ordinance shall be given at least ten (10) days prior to the hearing by the Borough Clerk by either personal service or certified mail and regular mail to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred feet (200') in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within two hundred feet (200') in all directions of the proposed new boundaries of the district.

SECTION 7. The Borough Clerk shall also forthwith transit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 8. This Ordinance shall take effect upon final passage and publication as provided by law, however, after first reading, this Ordinance shall be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Borough's Master Plan.

ATTEST:

BOROUGH OF FRANKLIN

DARLENE J. TREMONT, CLERK

JOHN M. SOWDEN IV, MAYOR

DATED:

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 14, 2021, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on October 12, 2021, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

Darlene J. Tremont
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 ____, 2021.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: September 14, 2021

Adopted:

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

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

ZONE LEGEND

Zone Name

- B-1, Main Street Retail
- B-2, Main Street Mixed Use
- GC, Golf Course
- HC-1, Highway Commercial 1
- HC-2, Highway Commercial 2
- HMF, Hospital Multi-Family
- I, Industrial
- MAAH, Mixed Active Adult Housing Zone
- MF, Multi-Family
- MHP, Mobile Home Park
- MPR, Munsonhurst Planned Residential District
- NC, Neighborhood Commercial
- OS/GU, Open Space / Government Use
- Q, Quarry
- R-1, Single Family Residential 3 Acre
- R-2, Single Family Residential 1 Acre
- R-3, Single Family Residential 15,000 s.f.
- R-4, Single Family Residential 6,250 s.f
- ZM, Zinc Mine Mixed Use

Hardyston Township

Hamburg Borough

Hardyston Township

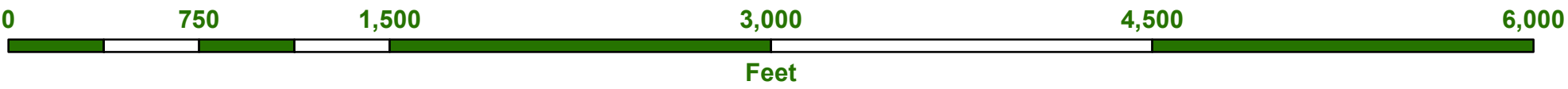
Sussex County

Sparta Township

Ogdensburg Borough

Block 2401, Lot 20 - Area to be rezoned from "R-1" Single-Family Residential to "I" Industrial.

Franklin Borough Zoning Map



1 inch = 600 feet