

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
DECEMBER 19, 2023

- 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, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
Jessica Caldwell Dykstra, J. Caldwell & Associates – Adaptive reuse of Zincmine Historic Buildings.
- 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** for the regular meeting minutes and executive session meeting minutes for November 28, 2023. (Absent: None)
2. **Construction Department Shared Service Agreement** to approve a Construction Department Shared Service Agreement between the Township of Hardyston and the Borough of Franklin beginning January 1, 2024 ending December 31, 2028 and to have the Mayor and Clerk execute the same.
3. **Construction Software Shared Service Agreement** to approve a Construction Software Shared Service agreement between the Township of Hardyston and the Borough of Franklin, Town of Newton, Borough of Hamburg and Township of Wantage for Software System upgrade and annual maintenance and to have the Mayor and Clerk execute the same.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING DECEMBER 19, 2023

4. Shared Municipal Court Services Agreement to approve the shared municipal court services agreement between the Borough of Franklin and the Township of Hardyston for the period of January 1, 2024 through December 31, 2026.
5. Resolution 2023-134 authorizing the award of electrical services bid to EM Electric at the cumulative rate of \$1,077.00.
6. Resolution 2023-135 to approve the Franklin Fire Department 2024 Coin Toss Fundraisers on February 24th and 25th, April 20th and 21st, July 20th and 21st and November 23rd and 24th.
7. Resolution 2023-136 to accept the dedication of certain utilities and approving a utility easement.
8. Resolution 2023-137 authorizing the amendment of Resolution 2023-01 non-fair and open contracts for professional services to French & Parrello Associates and VanCleaf engineering Associates, LLC for 2023.
9. Resolution 2023-138 approving the cancelation of prior year open items.
10. Resolution 2023-139 to approve the Governor’s Council on alcoholism and drug abuse fiscal grant cycle FY2025.
11. Resolution 2023-140 to approve determining that Block 605 Lot 5 is an area in need of redevelopment without the power of condemnation.
12. Shared Service Agreement for Deer Carcass Removal to approve the Shared Service Agreement through December 31, 2024, 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.

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.

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
NOVEMBER 28, 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 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, Mr. Snyder and Mayor Sowden.

Absent: None

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 January 6, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

There were no presentations for tonight's meeting.

COMMITTEE REPORTS

Mrs. Heath commented that the tree lighting was a success. Thank you to everyone for all of your hard work and they served over 100 cups of hot chocolate.

Mr. Skellenger commented that the tree lighting was great.

Mr. Formica had nothing to report.

Mr. Limon had nothing to report.

Mr. Postas commented that the water tank has been shrouded and he received word from Mr. Vreeland that the interior and exterior sand blasting are complete, and the painting will be done by the weekend. Hopefully the tank will be refilled by early next week. Mr. Postas asked Mayor Sowden if there was any news on the well.

Mayor Sowden commented that he had some discussions with Mike today and they are working on sizing the pump and hoping to start next week to run the pumps and water sampling. We should receive the report by the second week of December.

Mr. Snyder commented that there was a personnel meeting with a DPW employee regarding that employee's future with the DPW.

Mrs. Tremont commented that employee evaluations have begun. Mrs. Tremont received a letter from Angelo Bolcato in regard to Hillside Estates renewal application and he finds that the renewal application is within the parameters of the borough ordinance. Mrs. Tremont commented that she received a bench donation request.

Mr. Ursin had nothing to report.

Mayor Sowden asked for a consensus of the council regarding the zoom status. It was the consensus of the council to discontinue the zoom meetings for 2024. Mayor Sowden asked for a consensus of the council to purchase new tablets/ipads for the council members. It was the consensus of the council to obtain prices for new tablets/ipads.

MAYOR & COUNCIL MEETING MINUTES NOVEMBER 28, 2023

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.

Mr. John Stuart addressed the governing Body regarding cars speeding on Wildcat Road. Mr. Stuart commented that his dog was hit and killed in front of his house. Since this incident, the police have put a box up to obtain the speed of the vehicles.

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

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. Borough of Ogdensburg Ordinance 15-2023 amending chapter 30 "Land Development"

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. County Board of Health report – October 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution 2023-133 – 2023 budget transfer in the amount of \$10,300.00.
2. Payment of bills for the meeting of November 28, 2023.

Mrs. Heath made a motion to approve the consent agenda of November 28, 2023, with the removal of purchase order numbers 37467 and 37471. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. Skellenger made a motion to approve purchase order numbers 37467 and 37471. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Formica

OLD BUSINESS

Mr. Snyder asked if there was an update on the Rowett garage.

Mr. Formica commented on the old gas station property and the graffiti on the building. The zoning officer is looking into other towns' ordinances and we will possibly do a new ordinance in 2024 for abandon properties.

Mr. Skellenger asked about the status of the 4-way stop at Main and Junction Streets and the signs regarding the 2-hour parking on Main Street by Ramsey's Funeral Home.

NEW BUSINESS

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes and executive session meeting minutes for November 13, 2023. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MAYOR & COUNCIL MEETING MINUTES NOVEMBER 28, 2023

Hillside Estates Mobile Home Park License Renewal

Mr. Skellenger made a motion to approve the renewal of the 2024 Mobile Home Park License for Hillside Estates at Franklin, LLC. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Construction Department Shared Service Agreement

Mr. Skellenger made a motion to table the approval of the Construction Department Shared Service Agreement between the Township of Hardyston and the Borough of Franklin beginning January 1, 2024 ending December 31, 2028 and to have the Mayor and Clerk execute the same, until the next meeting. (Agreement included in Council packets) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Construction Software Shared Service Agreement

Mr. Skellenger made a motion to table the approval of a Construction Software Shared Service agreement between the Township of Hardyston and the Borough of Franklin, Town of Newton, Borough of Hamburg and Township of Wantage for Software System upgrade and annual maintenance and to have the Mayor and Clerk execute the same, until the next meeting. (Agreement included in Council packets) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction of Ordinance #18-2023

Mr. Postas made a motion to introduce ordinance 18-2023 entitled "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". Seconded by Mr. Limon.

Mayor Sowden announced that the public hearing will be held December 19, 2023.

Mr. Formica commented that he would like to go over some of the ranges as they need to be adjusted.

Mr. Skellenger made a motion to table ordinance 18-2023 until January. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Franklin Quilters Request

Mrs. Heath 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 2024. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

Mayor Sowden announced that the executive session was held prior to the regular meeting in regard to contract negotiations.

MAYOR & COUNCIL MEETING MINUTES NOVEMBER 28, 2023

MISCELLANEOUS COMMENTS

Mr. Snyder asked if there was a water main break on Junction Street over the weekend.

Mayor Sowden commented he believes it was some kind of blockage as he saw the DPW taking the sewer jet out.

Mrs. Heath commented that Mrs. Gail Hodus passed away.

Mayor Sowden requested a moment of silence in memory of Gail Hodus.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 7:38p.m., seconded by Mr. Postas. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk

Borough of Franklin, County of Sussex

Resolution #2023-134

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF ELECTRICAL SERVICES BID TO EM ELECTRICAL

WHEREAS there exists a need for electrical services for the daily operations of the Borough of Franklin,

WHEREAS the Township publicly advertised and received two (2) bids for Electrical Services on December 1, 2023 at 11:00 AM. to wit:

VENDOR	CUMULATIVE RATE
EM Electrical Contractors LLC	1077.00
Magic Touch Construction	1260.00

WHEREAS, EM Electrical Contractors LLC has been determined to submit the lowest responsible and responsive bid, and

WHEREAS, the Chief Financial Officer has certified funding from the 2023 current fund is available.

NOW, THEREFORE, BE IT RESOLVED by the Borough Franklin, County of Sussex, State of New Jersey, as follows:

1. That the Mayor is authorized to enter into a contract with EM Electrical Contractors LLC for the period of two years
2. That the Municipal Clerk shall forward a certified copy of this Resolution to the following:
 - A. Chief Financial Officer.
 - B. Qualified Purchasing Agent
 - C. Superintendent of Public Works
 - D. EM Electrical Contractors, LLC
3 Aaron Way
Sparta, NJ 07871

CERTIFICATION

I, Darlene J. Tremont Municipal Clerk of the Borough of Franklin, County of Sussex, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of Franklin at a meeting held on the 19th day of December 2023.

Darlene J. Tremont, RMC
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 #2023-135

BOROUGH OF FRANKLIN FIRE DEPARTMENT COIN TOSS FUNDRAISER

WHEREAS, the Franklin Fire Department benefits the Borough of Franklin by providing fire services;

WHEREAS, the Franklin Fire Department has requested approval of coin toss fundraisers for the year 2024 on February 24th and 25th, April 20th and 21st, July 20th and 21st and November 23rd and 24th;

WHEREAS, the coin toss fundraisers will occur at the location of the intersection of State Route 23 North and South and Mabie Street;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the Franklin Fire Department coin toss fundraisers for the year February 24th and 25th, April 20th and 21st, July 20th and 21st and November 23rd and 24th; are hereby approved contingent upon receiving any necessary County or NJDOT approval and further contingent upon complying with any requests, recommendation or directions of the Franklin Borough Police Department.

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 December 19, 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)				

Borough of Franklin, County of Sussex

Resolution #2023-136

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN ACCEPTING THE DEDICATION OF CERTAIN UTILITIES AND APPROVING A UTILITY EASEMENT

WHEREAS, Developer is the owner of 16 Main St. Franklin;

WHEREAS, Developer was obligated to construct the Utility Mains and provide utility access easement to Borough of Franklin is defined in Revised Developer's Agreement, dated July 21, 2020;

WHEREAS, The Borough Engineer has inspected the Utility Mains and recommends that the Borough accept the dedication and ownership;

WHEREAS, Developer has provided an easement to provide unobstructed access to the Borough to be recorded;

WHEREAS, Developer will provide a survey, subordination agreement to its mortgage company, and title assurances to be approved by the Borough Attorney before the easement can be recorded and the dedication finalized.

NOW THEREFORE IT BE RESOLVED that provided the above referenced conditions are met, the Borough hereby accepts the dedication and authorizes the acceptance of the Utility Easement.

CERTIFICATION: I, Darlene J. Tremont, Borough Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey, do hereby certify that the foregoing is 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 December 19, 2023.

Darlene J. Tremont, Borough 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 #2023-137

AUTHORIZING THE AMENDMENT OF RESOLUTION 2023-01 NON-FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES TO FRENCH & PARRELLO ASSOCIATES AND VAN CLEEF ENGINEERING ASSOCIATES, LLC FOR 2023

WHEREAS there exists a need for engagement of engineering 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 the original amount, due to the addition of a capital water source project; capital road project amendments and additional compliance inspections, and

WHEREAS, the terms of the original contracts are for January 1, 2023 to December 31, 2023;

WHEREAS, French & Parrello Associates and Van Cleef Engineering Associates, LLC have previously 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

WHEREAS, the CFO has determined that a reasonable estimate of the Maximum Value of these Contracts should be raised to not to exceed \$120,000, at this time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin, authorizes the Mayor and Council to amend their contracts with the French & Parrello Associates and Van Cleef Engineering Associates as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value for the following individuals and firms have been previously placed on file with resolution #2023-01, and

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 December 19, 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)				

Borough of Franklin, County of Sussex

Resolution #2023-139

Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2025

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

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

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

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

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Walkkill Valley Municipal Alliance grant for fiscal year 2025 in the amount of:

GCADA GRANT FUND	\$ 5,358.00
Cash Match	\$ 1,339.50
In-Kind	\$ 4,018.50
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
John M. Sowden, IV, *Mayor*

CERTIFICATION

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, County of Sussex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 19th day of December, 2023.

Darlene J. Tremont, Municipal Clerk

Borough of Franklin, County of Sussex

Resolution #2023-139

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle FY2025

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)				

NOT YET APPROVED BY COUNCIL

Borough of Franklin, County of Sussex

Resolution #2023-140

RESOLUTION DETERMINING THAT BLOCK 605 LOT 5 IS AN AREA IN NEED OF REDEVELOPMENT WITHOUT THE POWER OF CONDEMNATION

WHEREAS, on August 15, 2023, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), the governing body of the Borough of Franklin (the "Borough") adopted Resolution 2023-103 requesting the Franklin Borough Planning Board to conduct a preliminary investigation of Block 605, Lot 5 (hereinafter, the "Study Area") located in Franklin Borough, Sussex County, New Jersey, to determine whether this area or portion thereof may be determined to be a redevelopment area without the power of condemnation according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5 and applicable law; and

WHEREAS, the Planning Board has conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board caused notice of the public hearing on whether these properties were an "area in need of redevelopment" to be published in The New Jersey Herald and caused a copy of the notice to be mailed, via certified mail, at least 10 days before the date set for the hearing to the last owners of the properties within Study Area A according to the assessment records of the Borough; and

WHEREAS, on November 1, 2023, the Planning Board conducted a public hearing pursuant to N.J.S.A. 40A:12A-6(b) during which it considered a report from Jessica C. Caldwell Dykstra, P.P., A.I.C.P., of J Caldwell & Associates, LLC, entitled "Area in Need Of Redevelopment Study, 390 Rutherford Avenue," dated September 6, 2023, the testimony of Ms. Caldwell and comments from other Board professionals, and comments and testimony of members of the public in attendance at the hearing; and

WHEREAS, after considering said report, comments and testimony, the Planning Board made certain findings as set forth in its Resolution adopted on November 20, 2023, and recommended to the governing body of the Borough that Block 605, Lot 5 within the Study Area be determined to be an area in need of redevelopment without the power of condemnation pursuant to N.J.S.A. 40A:12A-5.

WHEREAS, the governing body of the Borough has reviewed and considered the Planning Board's findings and recommendations set forth in its Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Franklin that:

1. Block 605, Lot 5, located in Franklin Borough, Sussex County, New Jersey (hereinafter, the "Delineated Area") be and are hereby determined to be an area in need of redevelopment without the power of condemnation pursuant to N.J.S.A. 40A:12A-1, et seq.

2. The Borough Clerk shall forthwith transmit a copy of this resolution to the Commissioner of Community Affairs for review in accordance with NJSA 40A:12A-6(c).

3. The Borough Clerk shall cause notice of this determination to be served, within 10 days after the adoption of this resolution, upon all record owners of properties located within the Delineated Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent. The notice shall include a statement (i) that this determination operates as a finding of public purpose and authorizes the Borough to exercise the power of condemnation to acquire property in the redevelopment area; and (ii) that legal action to challenge the redevelopment determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

5. This Resolution shall take effect immediately.

CERTIFICATION

I, Darlene J. Tremont, Borough 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 meeting of said Governing Body held on December 19, 2023.

Darlene J. Tremont, Borough Clerk

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