

**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**  
**MARCH 28, 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 6, 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** for the regular meeting minutes for March 14, 2023. (Absent: None)
2. **Resolution 2023-47** - to authorize Prism Sweeping Services, Inc. to provide for street sweeping in an amount not to exceed \$7,480.00.
3. **Resolution #2023-48** - to introduce the CY2023 Municipal Budget for the Borough of Franklin.

**Public Hearing: April 25, 2023**

4. **Resolution #2023-49** – to authorize the appointment of Robert M. Dolan of RMD Associates, LLC for QPA consulting services for the

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING MARCH 28, 2023**

period of March 28, 2023 to December 31, 2023 in the amount of \$4,500.00. (Proposal provided in Council packets)

5. Resolution #2023-50 – to authorize the award of a non-fair & open contract for appointing hiring CGP&H to provide Affordable Housing Administrative Agent Services beginning April 1, 2023 not to exceed \$10,300.00. (Proposal provided in Council packets)
6. Resolution #2023-51 – to approve establishing salaries for certain full time and part time employees of Franklin Borough for the Year 2023.
7. Introduction Ordinance 04-2023 – entitled “Bond Ordinance providing supplemental funding for improvements to the Elevated Water Storage Tank, originally funded by bond ordinance 10-2022, by and in the Borough of Franklin, in the County of Sussex, State of New Jersey (The “Borough”); appropriating \$239,235 therefor and authorizing the issuance of \$239,235 bonds or notes of the Borough to finance part of the costs of thereof.”

**Public hearing will be held on April 11, 2023.**

8. Congregate Nutrition Program Shared Services Agreement - to approve the Shared Service Agreement between the County of Sussex and the Borough of Franklin for the Franklin Congregate Nutrition Programs from January 1, 2023 to December 31, 2023 in the amount of \$27,700.00.
9. Redevelopment Plan Review – to authorize review of the redevelopment plan for the property located at 116 Route 23, Block 1601, Lot 5.
10. Redevelopment Designation Study – to authorize a redevelopment designation study for the property located at 390 Rutherford Ave., Block 605, Lot 5.
11. Discussion of Ascend sewer allocation issue.

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  
MARCH 14, 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 (via ZOOM), Mrs. Heath, Mr. Limon (via ZOOM), 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**

Cynthia Barton addressed the governing body regarding retail cannabis. Ms. Barton spoke about her history and growing up in Sussex County. She spoke about the businesses that she has opened and that her Vape Shop has been open for 9 years. Ms. Barton commented that she has knowledge of CBD and would like to get the support of the Council to open a retail cannabis establishment. Ms. Barton provided educational pamphlets to the Mayor and Council. Ms. Barton commented that a conditional license can be obtained for approximately 4 months but you need a location. There are other towns that have changed their opinions on retail cannabis.

Mayor Sowden commented that this will be brought back to the ordinance committee to discuss and a letter will be sent with the decision.

#### **COMMITTEE REPORTS**

Mr. Limon commented that there was a finance meeting last week.

Mr. Postas had nothing to report.

Mr. Snyder commented that the finance committee met with the new temporary CFO and discussed the budget. Mr. Snyder commented that he received a call from JR Giacchi and he asked if we have any questions regarding the school budget to contact him. There was a personnel committee meeting and we discussed the staffing in the Department of Public Works.

Mr. Formica commented that the ordinance committee met and discussed a couple of things. The kayak launch was ordered and we should expect delivery sometime in May.

Mr. Skellenger thanked Mrs. Heath for addressing the concerns with the Police Department regarding Junction Street and making it a 4-way stop. Mr. Skellenger spoke to the police department and they support making Junction Street/Main Street intersection a 4-way stop. He spoke to Mr. Ursin and he suggested that the engineer write a memo in support as well.

Mrs. Heath had nothing to report.

Mrs. Tremont commented to date we have not received any lifeguard applications.

Mr. Ursin had nothing to report,

**MAYOR & COUNCIL MEETING MINUTES MARCH 14, 2023**

Mayor Sowden commented that he is looking to form an ad-hoc committee to be able to meet with the school board.

**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. Snyder. All were in favor.

Donna Arrigo asked what the start date is for the painting of the water tank.

Joanne Tatka asked if the second highest bidder took ownership of the house at 35 Fowler Street. She asked about the work being done on the theater building work and the Miner's Cove water sewer connection application. She asked if Ascend needs to apply for a license annually and what the difference is between class 1 cultivation and class 2 manufacturing. Ms. Tatka also asked how much taxes does Ascend pay to Franklin.

Mr. Ursin commented there are new regulations from the Cannabis Commission that requires Ascend to update their resolution of support from the municipality.

Mayor Sowden commented Ascend pays approximately 2% of their gross sales.

Aramis Torres asked the Council to be open minded regarding the allowance of retail cannabis.

Pat Barton spoke regarding the sale of his property (Munson House) to Ascend. The problems they are having with their Route 23 property.

Michael Raperto asked which way the ordinance committee was leaning for cannabis.

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 Mr. Skellenger. 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. Resolution from the Borough of Sussex supporting RevolutionNJ.
2. Resolution from Hamburg Borough supporting designating "Franklinite" as the official mineral of the State of New Jersey.

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

1. DPW Report – February 6 – February 10
2. DPW Report – February 13 – February 17
3. DPW Report – February 20 – February 24
4. Construction Permit Activity Report – February 2023
5. Permit List – February 2023

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

1. None filed.

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

1. Payment of bills for the meeting of March 14, 2023.

Mr. Postas made a motion to approve the consent agenda of March 14, 2023 with the removal of PO 36159. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mrs. Heath made a motion to approve PO 36159. Seconded by Mr. Postas.

**MAYOR & COUNCIL MEETING MINUTES MARCH 14, 2023**

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Snyder

Nays: None Absent: None Abstentions: Skellenger

**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 and executive session meeting minutes for February 28, 2023. (Absent: Postas) Seconded by Mrs. Heath

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: None Abstentions: Postas

Resolution #2023-44

Mrs. Heath made a motion to adopt resolution 2023-44 to authorize compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Under Title VII of the civil Rights Act of 1964". Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2023-45

Mr. Skellenger made a motion to adopt resolution 2023-45 to authorize continued support of the location and operation of an adult-use cannabis cultivation and manufacturing facility by Ascend New Jersey, LLC. Seconded by Mrs. Heath.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 03-2023

Mr. Limon made a motion to adopt ordinance 03-2023 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. Skellenger.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for any comments regarding Ordinance 03-2023. Mr. Skellenger made a motion to open to the public ordinance 03-2023, seconded by Mrs. Heath. All were in favor.

There being no one present or on Zoom who wished to address the governing body, Mr. Postas made a motion to close to the public ordinance 03-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Water/Sewer Connection Application

Mr. Postas made a motion to approve the application submitted by Y&J Properties, LLC for a 12 EDU residential multi townhome dwelling at 16 Main Street contingent upon receipt of associated connection fees. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**MAYOR & COUNCIL MEETING MINUTES MARCH 14, 2023**

Cub Scout Pack 90 Request

Mrs. Heath made a motion to approve the request from Cub Scout Pack 90 to hold their Annual Soap Box Derby to be held on Saturday, July 8, 2023 from 1:00 p.m. to 4:00 p.m. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Child Abuse Prevention Month Proclamation

Mr. Formica made a motion to adopt the Proclamation proclaiming April as Child Abuse Prevention Month. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on Imperatore Sussex Partnership, LP Concept Plan for 520 Route 23, Block 104, Lots 1 & 2.

Mr. Ursin explained the process for new applications that go before the planning board. The potential application that is referenced in the letter that is included in your packets went to the technical review committee and apparently received negative feedback. The letter explains their concerns and felt the council should be made aware. The reason this comes before you tonight is to review the comments that are in the letter from the attorney of the applicant but essentially it is to determine, either tonight or after more inquiry at another meeting, whether or not the council has an interest in one of two things. The first is ordinance changes that would be friendly to the concepts in the development or exploring whether or not the area would be an appropriate redevelopment area.

Mr. Formica commented on the TCC meeting regarding this application. Mr. Formica commented that he supports getting more information on this project.

Mr. Postas asked Mr. Ursin his recommendations on moving this forward.

Mr. Ursin commented that a meeting should be set with the planner so that the council can ask questions and get her thoughts.

Mr. Skellenger made a motion to set up a meeting with the planner to explore redevelopment options for this project. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**ADDENDUM**

Resolution #2023-46

Mr. Postas made a motion to adopt resolution 2023-46 to approve a budget transfer in the amount of \$4,740.00. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approve Special Event Permit Application

Mr. Postas made a motion to approve the special event permit application for Franklin Mineral Museum to conduct a Rock Swap and Sell on April 22, 2023, rain date of April 23, 2023 at the location of 32 Evans Street, Franklin and to authorize the use of the Franklin Pond area for parking as needed. Seconded by Mrs. Heath.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**MAYOR & COUNCIL MEETING MINUTES MARCH 14, 2023**

**EXECUTIVE SESSION**

There was no executive session.

**MISCELLANEOUS COMMENTS**

Mrs. Heath thanked the public for coming.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. Postas made a motion to adjourn the meeting at 8:07 p.m., seconded by Mr. Skellenger. All were in favor.

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John M. Sowden IV, Mayor

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Darlene J. Tremont, Municipal Clerk

# Borough of Franklin, County of Sussex

## Resolution #2023-47

### AUTHORIZATION TO PROVIDE FOR STREET SWEEPING

**WHEREAS**, the Mayor and Council of the Borough of Franklin has heretofore established certain current budget expenditures for 2023 so that the roads can be maintained; and

**WHEREAS**, the following vendor is an authorized supplier, and has rendered the most favorable price quote:

Prism Sweeping Services, Inc.                      \$7480.00

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin does hereby authorize the execution of the necessary purchase order to secure the service provided by Prism Sweeping Services, Inc.: and

**BE IT FURTHER RESOLVED** that upon receipt, inspection and approval of voucher therefore by the using agency, payment, pursuant to said purchase order, are hereby authorized with the same to be charged against funds established in the 2023 Current Fund Budget account for said purpose: and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Prism Sweeping Services, Inc., PO Box 2298, Wayne, New Jersey 07474-2298.

**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 March 28, 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 #2023-48

### RESOLUTION OF THE GOVERNING BODY INTRODUCE 2023CY BUDGET

BE IT RESOLVED that the Local Municipal budget of the Borough of Franklin, County of Sussex, New Jersey for the calendar year 2023 be approved by the Mayor and Council of the Borough of Franklin, and the Clerk is hereby instructed to advertise in the New Jersey Herald and that a final public hearing before passage will be held on April 25, 2023, at 7:00 P.M. at Borough Hall, 46 Main Street, Franklin and via a virtual meeting through a system called ZOOM and that said budget shall authorize total general appropriations of \$8,123,492.06 and the anticipated revenues of \$2,952,498.06 leaving an amount to be raised by taxes for municipal purposes of \$5,170,994.00. The Water/Sewer 2023 Budget consists of appropriations of \$2,694,100.00, and anticipated revenues of \$2,694,100.00.

**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 regular meeting of said Governing Body held on March 28, 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 #2023-49**

**RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AWARDING AN ALTERNATE FORM OF CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF ROBERT M DOLAN of RMD ASSOCIATES LLC. FOR QPA CONSULTING SERVICES AS PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A.19:44A-20.5**

**WHEREAS**, the Borough of Franklin has a need to acquire services of a Qualified Purchasing Agent (QPA), to oversee the Borough procurement and maintain the current Bid threshold. RMD Associates, LLC has specialized expertise in these services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the anticipated term of this contract will be commencing March 28, 2023 and ending December 31, 2023.

**WHEREAS**, the Borough Administrator has determined and certified in writing that value of the contract will not exceed \$17,500; and,

**WHEREAS**, the amount of the contract to be awarded under this resolution is determined to be \$4500.00.

**WHEREAS**, Robert Dolan of RMD Associates, LLC has submitted a contract indicating he will provide goods and services for the Borough of Franklin; and,

**WHEREAS**, Robert Dolan of RMD Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Dolan and/or RMD Associates, LLC has not made any reportable contributions to a political candidate committee in the Borough of Franklin in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract; and,

**WHEREAS**, the Chief Financial Officer certifies the availability of funds in the CY 2023 Current Fund Budget and that the funds shall not exceed \$17,500.

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

- 1 That the Mayor is hereby authorized to execute and the clerk to attest to an agreement as between the Township of Tewksbury and RMD Associates LLC. As described herein.
2. That the Business Disclosure Entity Certification be placed on file with the resolution.

3. The Township Clerk shall forward a copy of this Resolution to the following:

- A. Township Administrator;
- B. Chief Financial Officer
- C. Personnel Officer
- D. Robert M Dolan  
RMD Associates LLC  
1815 Breakers Drive  
Stafford, NJ 08050

**CERTIFICATION**

I, Darlene J. Tremont, 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 at a meeting held on the 28<sup>th</sup> day of March, 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 #2023-50

### RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING THE AWARD OF A NON-FAIR & OPEN CONTRACT FOR APPOINTING COMMUNITY GRANTS PLANNING & HOUSING LLC ("CGP&H") AS AFFORDABLE HOUSING ADMINISTRATIVE AGENT

**WHEREAS**, The Borough of Franklin has a need for Housing Rehabilitation Program Services; and

**WHEREAS**, Community Grants Planning & Housing, whose address is 1249 South River Road, Suite 301, Cranbury, New Jersey (hereinafter referred to as "CGP&H"), a New Jersey Department of Community Affairs approved Affordable Housing Administrative Agent that specializes in all aspects of affordable housing, planning, affordable housing compliance, and the procurement of grants and loans, submitted its proposal for Housing Rehabilitation Program Services for the Borough of Franklin; and

**WHEREAS**, the Borough Council hereby desires to appoint and execute the Contract with CGP&H that was presented for the provision of said services at an amount not to exceed \$10,300.00 for services rendered by the Consultant; and

**WHEREAS**, the Council of the Borough of Franklin desires to authorize the Mayor to sign said contract on behalf of the Borough of Franklin.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of Franklin, County of Sussex, State of New Jersey, that the Mayor is hereby authorized to sign the contract with CGP&H on behalf of the Borough of Franklin, and all other appropriate Borough professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said contract.

#### CERTIFICATE OF AVAILABILITY OF FUNDS

I, Michelle LaStarza, Certified Municipal Financial Officer of the Borough of Franklin, hereby certify, pursuant to NJSA 40A:9-140.1, et seq. and NJAC 5:30.4, that the funds are available to the Borough of Franklin for calendar year 2023 through the Affordable Housing Trust Fund. Account to be charged 03-299-56-851-000.

\_\_\_\_\_  
Michelle LaStarza, CFO

**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 March 28, 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 #2023-51

### RESOLUTION ESTABLISHING SALARIES FOR CERTAIN EMPLOYEES OF FRANKLIN BOROUGH FOR THE YEAR 2023

WHEREAS, Franklin Borough is a municipal employer with full time and part time staff; and

WHEREAS, the salary ranges for Franklin Borough employees have been established by Ordinance 03-2023 adopted on March 14; and

WHEREAS, the Finance Committee has reviewed the salaries for certain non-contracted employees and unanimously recommends the following increases; and

WHEREAS, the governing body recognizes these employees are good and loyal and deserving of an increase,

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Franklin that the following named employee's be paid the salaries and/or hourly rates indicated;

BE IT FURTHER RESOLVED this increase shall be retroactive to January 1, 2023 with these revised salaries:

Name	Position	2022 Rate
John M. Sowden, IV	Mayor	\$5,000.00/yr.
Concetto Formica	Councilman	\$3,000.00/yr.
Rachel Heath	Councilwoman	\$3,000.00/yr.
Joe Limon	Councilman	\$3,000.00/yr.
John Postas	Councilman	\$3,000.00/yr.
Stephen Skellenger	Councilman	\$3,000.00/yr.
Gilbert Snyder	Councilman	\$3,000.00/yr.
Scott Holzhauer	Tax Assessor	\$43,989.38/yr.
David Williams (Jim)	OEM Coordinator	\$2500.00/yr.
Glenn Gavan	Municipal Court Magistrate	\$20,450.16/yr.
Michelle Babcock	PB/Zoning Secretary	\$40,900.00/yr.
Susan Brush	Deputy Court Administrator	\$42,945.00/yr.
Wendy Burge	Administrative Assistant	\$48,620.58/yr.
Joseph Setticas	Zoning Official	\$35.79/hr.
Christine Nostray Yafar	Tax Assessment/DPW	\$18.77/hr.
Sandra Cowan	Finance Assistant	\$17.38/hr.
Frederick Babcock	Buildings & Grounds	\$16.69/hr.
Anna Fischer	Nutrition Center	\$17.38/hr.

Felicitas Soto	Nutrition Center	\$14.45/hr.
Rebecca Babcock	Crossing Guard	\$16.43/hr
Lisa Conte	Crossing Guard	\$15.36/hr.
Mary Payton	Crossing Guard	\$15.36/hr.
Rachel VanDyk	Crossing Guard	\$15.36/hr.
Cara Ross	Crossing Guard	\$15.36/hr.
Kathleen Clohessey	Crossing Guard	\$15.36/hr.
Amanda Tassillo	Crossing Guard	\$15.36/hr.
Marie Hughes	Crossing Guard	\$15.36/hr.
Michelle Grieco	Crossing Guard	\$15.36/hr.
Heather Fasolo	Crossing Guard	\$15.36/hr.
Charles Hughes	Crossing Guard	\$15.36/hr.
Jaymie Babcock	Crossing Guard	\$15.36/hr.
Robin Saraceni	Crossing Guard	\$15.36/hr.
Susan Hardcastle	Crossing Guard	\$15.36/hr.

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

\_\_\_\_\_  
Michelle LaStarza, CFO

**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 of said Governing Body held on March 28, 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  
ORDINANCE NUMBER 04-2023**

**BOND ORDINANCE PROVIDING SUPPLEMENTAL FUNDING FOR IMPROVEMENTS TO THE ELEVATED WATER STORAGE TANK, ORIGINALLY FUNDED BY BOND ORDINANCE 10-2022, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$239,235 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$239,235 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Franklin, in the County of Sussex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$239,235. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is allocated for the improvements authorized herein, as the Water/Sewer Utility of the Borough of self-liquidating.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$239,235 appropriation not provided for, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$239,235 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$239,235 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are Improvements To An Existing Elevated Water Storage Tank Located At 19 Highpoint Circle (Block 709, Lot 53) In The Borough, Such Improvements To Include, But Not Be Limited To, As Applicable, Interior And Exterior Tank Coating, And Improvements To And/Or Replacement Of Grouting And Sealants, Batten Access Tubes, Screens And Splash Pads, Condensate With Overflow, Manhole, Roof Vents, Gaskets, Studs, Handrails, Ladders, Inlet And Distribution Pipe Expansion Joints, Insulation, Lighting, Light Covers, Nameplate And Site Restoration.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$239,235.

(c) The aggregate estimated cost of said improvements or purposes is \$1,078,920, \$839,685 of which was provided for in Bond Ordinance 10-2022, and \$239,235 of which is being authorized herein.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Sussex or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Sussex or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Sussex or a private entity, shall be received by the Borough after the issuance of the bonds



or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Borough and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$239,235 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**  
**DATED: March 28, 2023**

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**DARLENE J. TREMONT,**  
**Clerk of the Borough of Franklin**

**ADOPTED ON SECOND READING**  
**DATED: April 11, 2023**

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**DARLENE J. TREMONT,**  
**Clerk of the Borough of Franklin**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

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**JOHN M. SOWDEN, IV,**  
**Mayor of the Borough of Franklin**

NOT YET APPROVED BY COUNCIL