

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
FEBRUARY 22, 2022

- 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 7, 2022, 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**
Approval of the regular meeting minutes for February 8, 2022. (Absent: Formica) *(motion needed)*
2. **Resolution #2022-30** to authorize additional funds to complete emergency well "B" improvements. *(motion needed)*
3. **Resolution #2022-31** of Municipal support for expanded cultivation for Ascend New Jersey, LLC located at 24 Munsonhurst Road and 12 Munsonhurst Road, Franklin. *(motion needed)*

REGULAR AGENDA – MAYOR AND COUNCIL MEETING FEBRUARY 22, 2022

4. Resolution #2022-32 requesting the Tax Assessor to present Franklin Borough's requirements for a multiyear property reassessment at a meeting with County Tax Board and seek their support and authorization to further pursue this course of action. *(motion needed)*
5. Resolution #2022-33 to approve 2021 budget transfer resolution in the amount of \$1,000. *(motion needed)*
6. Resolution #2022-34 to consent to the proposed Sussex County Water Quality Management (WQM) Plan amendment. *(motion needed)*
7. Introduction of Ordinance 03-2022 entitled "A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE APPROPRIATION OF CAPITAL FUNDS FOR THE CUTTER ASSEMBLIES AT THE RT. 23 SOUTH AND MAPLE ROAD SEWER PUMPING STATIONS". *(motion needed)*

Public hearing to be held on March 8, 2022.

8. National Poison Prevention Week Proclamation proclaiming the third full week March 20th–26th, 2022, to be National Poison Prevention Week (NPPW). *(motion needed)*

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 NO. 2022-30**

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN AUTHORIZING ADDITIONAL FUNDS TO
COMPLETE EMERGENCY WELL “B” IMPROVEMENTS**

WHEREAS, the Borough of Franklin needed to have emergency Well B improvements completed due to grit and stones entering the pump and causing operational problems; and

WHEREAS, the Borough’s W/S Engineer states the emergency need for improvements; and

WHEREAS, the Borough W/S Engineer has reviewed the proposals and recommended the award of the contract to Samual Stothoff Co, Inc. for the Well B fracture cleaning not to exceed \$15,000.00; and

WHEREAS, resolution 2021-111 was passed on November 23, 2021 to utilize Samual Stothoff Co., Inc. for the Well “B” fracture cleaning not to exceed \$15,000; and

WHEREAS, the Borough has been notified the quote for the Well “B” fracture cleaning services provided will exceed the previously approved amount; and

WHEREAS, it is estimated that the additional cost for such services will not exceed \$8.000; and

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

Andrew Bernath, CFO/QPA

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin authorize the additional costs for the emergency improvements of Well “B” awarded to Samual Stothoff Co., Inc. not to exceed \$8,000.00.

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 February 22, 2022.

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)				

**FRANKLIN BOROUGH
COUNTY OF SUSSEX
RESOLUTION 2022-32**

**RESOLUTION OF THE FRANKLIN BOROUGH COUNCIL REQUESTING THE TAX ASSESSOR
TO PRESENT THE BOROUGH'S REQUEST FOR A MULTIYEAR
PROPERTY REASSESSMENT AT A MEETING WITH THE COUNTY TAX BOARD AND SEEK
THEIR SUPPORT AND AUTHORIZATION TO FURTHER PURSUE THIS COURSE OF ACTION**

WHEREAS, Franklin Borough has had a dramatic decrease in its Assessment Ratio over the past 2 years due to the well documented rise in property values over that same time period, with this ratio change being fueled primarily by the residential market sector; and

WHEREAS, the Borough Tax Assessor has advised that the sales being included in the active state sampling period show a continued decline in ratio; and

WHEREAS, the Borough has committed to the annual maintenance of the Tax Map thru the consulting firm Civil Solutions (aka Adams, Rehmann & Heggan), with said maps reflecting all recent changes; and

WHEREAS the Borough Tax Assessor has expressed caution regarding the potential for increased commercial tax appeal activity resulting from the excessive ratio drop, and has advised that it would be appropriate for the Borough to authorize the Assessor to discuss with the Sussex County Board of Taxation the need for a Complete Reassessment, and thereafter the potential for conducting Annual Reassessments in accordance with a multi-year reassessment program.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Franklin Borough has accepted the Tax Assessor's recommendation for a Complete Reassessment and subsequent Annual Reassessment Program over several years, provided that he obtains from the Sussex County Board of Taxation their approval to proceed in this direction in a timely manner.

BE IT FURTHER RESOLVED that the Borough Council of Franklin Borough is requesting that the Tax Assessor appear at a meeting with the County Tax Board so that the Tax Assessor can present the Borough's position and seek their support and authorization to further pursue this course of action.

BE IT FURTHER RESOLVED that the Borough Clerk shall provide certified copies of this resolution to the Tax Assessor and the Sussex County Board of Taxation for their use and information.

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 February 8, 2022

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
Resolution 2022-33**

TRANSFER RESOLUTION

WHEREAS, the Borough of Franklin Municipal Budget requires certain modifications to cover potential expenses that occur in excess of the original budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the following Transfer of Appropriations (2021 Municipal Budget) in accordance with N.J.S.A. 40A:4-58-59 and hereby approved.

Transfer From:		Transfer To:	
Current Fund		Current Fund	
Tax Collector O/E	\$1,000.00	General Administration OE	\$1,000.00
Water/Sewer Operating		Water/Sewer Operating	
Total	\$1,000.00	Total	\$1,000.00

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, County of Sussex, State of New Jersey at a regular meeting held on February 22, 2022

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)				

RESOLUTION NO. 2022-34

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
CONSENTING TO THE PROPOSED SUSSEX COUNTY
WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

WHEREAS, the Borough of Franklin desires to provide for the orderly development of wastewater facilities within the Borough;

WHEREAS, the Borough of Franklin entered into a settlement agreement with the owners and developers of Block 2701, Lot 2 in 2019, where it agreed to consent to applications to other government entities for development approvals;

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan;

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan;

WHEREAS, a proposed WQM plan amendment has been publicly noticed in the New Jersey Register for Milly's Court, Block 2701, Lot 2 (portion), Franklin Borough, Sussex County;

NOW THEREFORE IT BE RESOLVED on this 22nd day of February, 2022, by the Governing Body of the Borough of Franklin that:

The Borough hereby consents to the application for Milly's court, Block 2701, Lot 2 (portion), Franklin Borough, Sussex County amendment, and publicly noticed for the purpose of its incorporation into the applicable WQM plan(s) and this consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

CERTIFICATION: I, Darlene 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 meeting of said Governing Body held on February 22, 2022.

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
ORDINANCE #03-2022**

**A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF
SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE APPROPRIATION OF
CAPITAL FUNDS FOR THE CUTTER ASSEMBLIES AT THE RT. 23 SOUTH AND
MAPLE ROAD SEWER PUMPING STATIONS**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey as follows:

Section 1. The cutter/grinder assemblies at the Rt. 23 south and Maple Road sewer pumping stations need to be rebuilt; and,

Section 2. The Franklin Borough Director of Public Works has received an estimate of the cost of the necessary parts from the North Jersey Wastewater Cooperative Pricing System, and the installation of these parts will be handled by borough employees. The Chief Financial Officer certifies the availability of funds in Account #08-229-55-000-000 Reserve for Capital Improvements – Sewer Stations for the completion of the project with a cost not to exceed \$30,000; and,

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This Ordinance shall take effect immediately upon adoption in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF FRANKLIN

Darlene J. Tremont, CLERK

BY: John M. Sowden IV, MAYOR

DATED: February 22, 2022

NOTICE

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 February 22, 2022, 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 March 22, 2022, 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 ____, 2022.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: February 22, 2022

Adopted:

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

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