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 SEPTEMBER 13, 2022

- A. <u>Mayor Sowden</u> will call the meeting to order; Clerk will call the roll.
- B. <u>Mayor Sowden</u> will invite all present to salute the flag.
- C. <u>Mayor Sowden</u> 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. <u>COMMITTEE REPORTS</u>: <u>Mayor Sowden</u> will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

<u>Mayor Sowden</u> will offer the Mayor's Report.

F. <u>OPEN PUBLIC SESSION</u>: <u>Mayor Sowden</u> 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, <u>Mayor Sowden</u> will request a motion to close the meeting to the public and return to the regular order of business.

G. <u>CONSENT AGENDA</u>: <u>Mayor Sowden</u> 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:

Peddlers Permit Application and Appeal (tabled from August 16, 2022 meeting)

Curtis Pandorf – Hot Dog Truck located at 76 Route 23, Franklin. *(motion needed)*

I. <u>NEW BUSINESS:</u>

- 1. Approval of the Minutes
 - a. Regular meeting minutes for August 16, 2022. (Absent: Postas, Mayor Sowden) *(motion needed)*
 - b. Special meeting minutes and executive session meeting minutes for August 31, 2022. (Absent: Heath, Limon) *(motion needed)*
- 2. Resolution #2022-91 to authorize additional funds not to exceed \$13,830.50 for the road resurfacing of Maple Road. (motion needed)

- Resolution #2022-92 to approve awarding Tilcon through the Morris County Co-op Contract #6 (District #2) road resurfacing of various roads (Pvt. Joseph Auche Drive, Ginter Street, Lozaw Road, Mabie Street and John Wilton Street) not to exceed \$236,475.69. (motion needed)
- 4. Resolution #2022-93 to approve the LOSAP qualification list and authorizing contributions for 2021 qualifying members of the Franklin Fire Department and the Wallkill Valley First Aid Squad. (motion needed)
- 5. Resolution #2022-94 to approve authorizing an electronic tax sale. *(motion needed)*
- Resolution #2022-95 to approve opposing the reassignment by the New Jersey Department of Environmental Protection of all municipalities currently designated Tier B under the Municipal Separate Storm Sewer System Permit Program to Tier A designation. (motion needed)
- 7. Introduction of Ordinance #13-2022 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS 35 FOWLER STREET". (motion needed)

Public hearing will be held on September 27, 2022.

8. Mayoral Appointments

Mayor Sowden will make the following appointments.

Crossing Guard Hire

Jaymie Babcock as substitute crossing guard at the rate of \$15.02/hr. effective August 16, 2022, contingent upon successful physical and background check, as recommended by Rebecca Babcock, Crossing Guard Captain. (motion to confirm)

Recreation Committee

Eric Maynard - Member to a 3-yr. unexpired term ending 12/31/2022. As recommended by the Recreation Committee. *(motion to confirm)*

9. Application for a Social Affair Permit

To approve the application for a social affair permit submitted by the Franklin Fire Department, premises for the social affair permit is Fireman's Memorial Park, 46 High St., Franklin on October 1, 2022, and authorize the clerk to endorse the application. (motion needed)

10. Water/Sewer Connection Application

To approve the application for a 1 EDU single family dwelling at 5 Estell Drive contingent upon receipt of associated connection fees and all directives followed as per Utility Engineer, Michael Vreeland's, memo dated August 19, 2022. *(motion needed)*

11. Sussex County Division of Health request

To authorize the request from the Sussex County Division of Health for the usage of the Senior Center for a Flu/Covid Clinic on November 9, 2022 from 10:00am – 1:00pm. (motion needed)

12. Discussion on Vape Shops

13. <u>Discussion on Municipal Building Generator</u>

REGULAR AGENDA - MAYOR AND COUNCIL MEETING SEPTEMBER 13, 2022

J. <u>EXECUTIVE SESSION – IF REQUESTED</u>

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

THE <u>OPEN PUBLIC MEETINGS ACT</u> 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. <u>MISCELLANEOUS COMMENTS:</u> <u>Mayor Sowden</u> will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.
- L. <u>ADJOURNMENT</u>: <u>Mayor Sowden</u> will request a motion to adjourn the meeting.

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING ADDITIONAL FUNDS NOT TO EXCEED \$13,830.50 FOR THE ROAD RESURFACING OF MAPLE ROAD

WHEREAS, resolution #2022-77 was passed on July 26, 2022 to award Tilcon through the Morris County Co-op for road resurfacing of Maple Road no to exceed the amount of \$131,500; and

WHEREAS, Denis Keenan, Borough Engineer has notified the Borough asphalt prices increased after the adoption of resolution #2022-77 and an additional amount will be needed; and

WHEREAS, the Borough has been notified the costs to continue the services of Tilcon for road resurfacing of Maple Road will exceed the previously approved amount; and

WHEREAS, it is estimated that the additional cost for such services will not exceed \$13,830.50; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from accounts 04-215-55-992-001 and 04-215-55-992-002

WHEREAS, the Mayor and Council deem it to be in the best interests of the Borough to retain the services of Tilcon to complete the road resurfacing as described above.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey approve the additional amount not to exceed \$13,830.50 for the road resurfacing of Maple Road services by Tilcon.

BE FURTHER RESOLVED that the resolution and all other pertinent documents shall remain on file in the Office of the Borough Clerk.

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 September 13, 2022.

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 OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN AWARDING TILCON THROUGH THE MORRIS COUNTY CO-OP CONTRACT# 6 (District #2) - ROAD RESURFACING OF VARIOUS ROADS NOT TO EXCEED \$236,475.69.

WHEREAS funds are available to resurface Pvt. Joseph Auche Drive, Ginter Street, Lozaw Road, Mabie Street, and John Wilton Street; and

WHEREAS, to accomplish the resurfacing, the Borough of Franklin will utilize Morris County Cooperative Bid Contract #6, (District #2) which exceeds the prevailing bid threshold:

VENDOR: Tilcon, 9 Entin Road, Parsippany, NJ 07054

COST: Not to Exceed \$236,475.69

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from accounts 04-215-55-992-001 and 04-215-55-992-002.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Tilcon of Parsippany, New Jersey, not to exceed \$236,475.69 for road resurfacing of Pvt. Joseph Auche Drive, Ginter Street, Lozaw Road, Mabie Street, and John Wilton Street.

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 at 7:00 PM on September 13, 2022.

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 APPROVING THE LOSAP QUALIFICATION LIST AND AUTHORIZING CONTRIBUTIONS FOR QUALIFYING MEMBERS OF THE FRANKLIN FIRE DEPARTMENT AND THE WALLKILL VALLEY FIRST AID SQUAD

WHEREAS, Ordinance 10-2017, adopted by the Governing Body of the Borough of Franklin on July 25, 2017, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Franklin Fire Department and Wallkill Valley First Aid Squad; and

WHEREAS, Ordinance 17-2019, adopted by the Governing Body amended the schedule for members of the Franklin Fire Department; and

WHEREAS, the Franklin Fire Department and Wallkill Valley First Aid Squad has certified the attached list of all members who have qualified for the 2021 LOSAP award.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin, that the eligibility list attached to this resolution is approved and in accordance with Chapter 388, P.L. 1997 and is to be posted by the Borough Clerk and returned to the respective emergency service organizations for posting for 30 days to allow for any appeals prior to contributions being made.

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 September 13, 2022 at 7:00 PM.

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 Length of Service Awards Program – 2021 Qualifying Members

Franklin Fire Department

Babcock, Fred

Cole, Mike

Conklin, Khyle

Conklin, Kody

Houghtaling, Corey

Knebl, Steve Jr.

Lang, Ted

Nidelko, Jim

Petro, Mike

Raperto, Mike

Williams, Jim

Wallkill Valley First Aid Squad

Affunito, Jim

Clint, James

Edwards, Erin

Francavilla, Gina

Friend, Jennifer

Friend, John

Gunderman, Alison

Havel, Jason

Henry, Jennifer

Hynda, Miranda

Lanham, Bill

Lanham, Cindy

Tarleton, Erin

Van Allen, Kat

ATHORIZING ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to the rules and regulations promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations authorize a municipality to conduct an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Franklin wishes to participate in an electronic tax sale for 2021 and prior year delinquencies.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the Tax Collector is hereby authorized to conduct an electronic tax sale.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted by the Mayor and Council of the Borough of Franklin in a meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on the date of September 13, 2022.

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)				

A RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION

WHEREAS, it has come to the attention of the Borough of Franklin ('Borough') that the New Jersey Department of Environmental Protection ('NJDEP') intends to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities currently designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, compliance with the Permit Program for a municipality designated 'Tier A' ('Tier A') is far costlier and more onerous than compliance for a municipality designated 'Tier B' ('Tier B'); and

WHEREAS, under the existing designation system ('Existing Designation System'), the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while the Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, the Existing Designation System makes logical sense, as the costly and onerous compliance required for municipalities designated Tier A is necessitated by the population densities and environmental concerns of Tier A municipalities; and

WHEREAS, the Existing Designation System makes logical sense also for municipalities designated Tier B, as Tier B municipalities generally do not have the population densities and environmental concerns of their Tier A counterparts; and

WHEREAS, many municipalities designated Tier B under the Existing Designation System simply do not have the resources to comply with Tier A designation, unlike their Tier A counterparts; and

WHEREAS, the State, however well-intentioned in its actions, continues to saddle municipalities with additional responsibilities via its unfunded mandates; and

WHEREAS, reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B under the Existing Designation System will result in a redistribution of these municipalities' limited resources, away from their crucial government functions; and

WHEREAS, the Borough wholeheartedly supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State; and

WHEREAS, the Borough simply views the NJDEP's Reassignment Plan as a costly, unfair, and ineffectual approach to improving the well being of the State's waterways.

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

- 1. The Borough of Franklin hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'
- 2. The Borough of Franklin hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'
- 3. A certified true copy of this Resolution upon its adoption shall be furnished to New Jersey State Governor Philip D. Murphy, New Jersey State Senator Steven V. Oroho, New Jersey State Assemblyman Parker Space, New Jersey Assemblyman Harold Wirths, the New Jersey

Department of Environmental Protection, the New Jersey State League of Municipalities, and the Municipal Clerks of all the Sussex County Municipalities.

- 4. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
- 5. This Resolution shall take effect immediately.

Approved:	
Attest:	
Darlene J. Tremont, Municipal Clerk	John M. Sowden IV, Mayor

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 September 13, 2022

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)				

ORDINANCE NO. 13-2022

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS 35 FOWLER STREET

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Franklin is the owner of certain real property known as Block 901 Lot 1; and

WHEREAS, said property are not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, that:

1. The property to be auctioned is known as and shall be referenced by parcel description is:

Parcel	Block	Lot Address	Zone	Description
A	901	1 35 Fowler Street	R-4	0.425 Acres

- 2. The property shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted online by Max Spann and shall be concluded by November 10, 2022. The highest bidder will be considered and accepted by the Borough Council at its meeting on November 22, 2022.
- 3. The auction of each parcel shall be conducted with an undisclosed reserve price. The Borough Council must approve the auction price in order to be binding and the Borough Council reserves the right to reject all bids.
 - 4. The said property shall be sold subject to the following terms and conditions:
 - (a) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(b) The Borough does not warrant or certify title to the property and in no event shall the Borough of Franklin be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy shall be the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not

be required to refund money or correct any defect in title or be held liable for damages.

- (c) The Borough makes no environmental representations regarding the property and purchaser may perform an environmental assessment.
- (d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- (e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 for the Borough's transaction costs, in cash or check.
- (f) A Quit Claim Deed will be delivered at the office of the Borough Clerk on or before thirty (30) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.
- (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Franklin and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
- (h) The property will be sold subject to 2022 taxes, pro-rated from the date of sale.
- (i) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

Effective Date.

This Ordinance shall take effect up	pon final passage and publication as provided by law.
ATTEST:	BOROUGH OF FRANKLIN
Darlene J. Tremont, CLERK	BY: John M. Sowden IV, MAYOR
DATED:	
	NOTICE
NOTICE is hereby given that th	e foregoing Ordinance was introduced to pass on first
	ncil of the Borough of Franklin held on September 13,
	d in accordance with the law. Said Ordinance will be
_	at a regular meeting of the Borough Council to be held
_	s soon thereafter as the Borough Council may hear this
	6 Main Street, Franklin, New Jersey, at which time all
persons interested may appear for or again	nst the passage of said Ordinance.
	Darlene J. Tremont
	Borough Clerk
	EDTHELC A TION
CF	<u>CRTIFICATION</u>
I, Darlene J. Tremont, Clerk of	the Borough of Franklin, do hereby certify that the
	ed the foregoing Ordinance on the day of,
2022.	
Darlene J. Tremont, Clerk	John M. Sowden IV, Mayor
Borough of Franklin	voim na son uen 1 1, mayor
Introduced:	
Adopted:	