

Borough of Franklin, County of Sussex

Resolution #2022-75

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, REQUESTING THE SUSSEX COUNTY CLERK TO PRINT UPON THE OFFICIAL BALLOT OF THE NOVEMBER 8, 2022 GENERAL ELECTION A PUBLIC QUESTION ASKING THE LEGAL VOTERS OF FRANKLIN BOROUGH WHETHER THE DATE OF THE FRANKLIN BOROUGH SCHOOL DISTRICT ELECTION SHALL BE MOVED FROM NOVEMBER TO APRIL BEGINNING 2023

WHEREAS, in 2012, the date of annual school elections for the Franklin Borough School District (“School District”) was changed from April to November; and

WHEREAS, more than four such annual school elections have been conducted since the election date was changed to November; and

WHEREAS, having school elections in November exempts the School District’s budget from voter approval even though a significant portion of the Borough’s property tax levy, for which the Borough and its taxpayers are responsible, is used to fund the School District’s budget; and

WHEREAS, N.J.S.A. 19:60-1.1 (b)(1) expressly authorizes the Governing Body to move the date of the annual school election to the third Tuesday in April upon the adoption of a resolution at a public meeting, provided adequate notice thereof is given to affected board(s) of education; and

WHEREAS, prior to considering taking any such action, the Mayor and Council wish to make the public aware of the significance of school board election dates, and to ascertain the sentiment of legal voters regarding their interest in voting on the largest expenditure of their property tax bill; and

WHEREAS, N.J.S.A. 19:37-1 permits the governing body of any municipality to conduct a non-binding referendum at a general election to ascertain the sentiment of the legal voters of the municipality regarding any question or policy pertaining to the government or internal affairs thereof; and

WHEREAS, pursuant to, and in accordance with N.J.S.A. 19:37-5, the Mayor and Council of the Borough of Franklin hereby declare their desire to submit to the Sussex County Clerk a formal request, in the form of this resolution, to print upon the official ballot of the November 8, 2022 general election a public question asking the legal voters of Franklin Borough whether the date of the Franklin Borough School District election shall be moved from November to the third Tuesday in April beginning 2023.

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

1. The Governing Body formally requests the Sussex County Clerk to print upon the official ballot of the November 8, 2022 general election the following public question:

Shall the date of the Franklin Borough School District election be moved from November to the third Tuesday in April beginning 2023?

2. The Mayor and Council of the Borough of Franklin hereby approve the following interpretive statement to accompany the aforesaid public question:

Interpretive Statement

In 2012, the date of annual school elections for the Franklin Borough School District ("School District") was changed from April to November. New Jersey Law permits the date of annual school elections to be changed back to the third Tuesday of April. Changing the school election date to April will allow legal voters to vote on the School District's budget whether or not it exceeds the property tax levy cap set forth by law.


3. Pursuant to N.J.S.A. 19:37-1, the public question shall be filed with the Sussex County Clerk not later than 81 days prior to the November 8, 2022 general election.

4. Pursuant to N.J.S.A. 19:37-2, a certified copy of this resolution shall be delivered to the Sussex County Clerk not less than 65 days prior to the November 8, 2022 general election.

5. Copies of this Resolution shall also be transmitted to the Sussex County Board of Elections, Secretary of the Board of Education of the Borough of Franklin, Franklin Borough School District, New Jersey Department of State Division of Elections, Executive County Superintendent of Schools, and the State Department of Community Affairs, Division of Local Government Services.

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 July 26, 2022.


Darlene J. Tremont, Borough Clerk

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