

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
MAY 14, 2024

- 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, 2024, 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 April 23, 2024. (Absent: None)
2. **Resolution #2024-55** authorizing a disabled veteran exemption on Block 1403 Lot 1
3. **Resolution #2024-56** authorizing a disabled veteran exemption on Block 608 Lot 1
4. **Resolution #2024-57** authorizing a grant application to the New Jersey Department of Transportation for the Master Street, Warren Street and Green Street project.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 14, 2024

5. Resolution #2024-58 authorizing the hiring of a seasonal laborer for maintenance in the Department of Public Works.
6. Resolution #2024-59 calling for the modernization of the open public records act (OPRA) and the swift passage of S-2930/A-4045.
7. Adoption of Ordinance 07-2024 entitled “BOND ORDINANCE PROVIDING FOR VARIOUS 2024 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$1,413,021 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,168,173 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

Prior to final roll call Mayor Sowden will request a motion to open to the meeting to the public for Ordinance 07-2024.

8. Introduction of Ordinance 08-2024 entitled “CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY AND APPROPRIATING \$20,000 THEREFOR FROM THE CAPITAL RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR THE COST THEREOF.”

Mayor Sowden will announce that the final reading will be held on May 28, 2024.

9. Introduction of Ordinance 09-2024 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY CREATING CHAPTER 245, TREES.”

Mayor Sowden will announce that the final reading will be held on May 28, 2024.

10. Peddler's Permit Application to approve the peddler permit submitted by Carol Zofrea for the sale of ice cream.
11. Public Employer Trust Agreement - to approve the Public Employer Trust Agreement between the Borough of Franklin and Brown and Brown, Benefit Advisors for Horizon Healthcare Dental for the period of July 1, 2024 to June 30, 2025, at no increase in premiums, addendum with coverage cost election attached.
12. (Campy's) Blue Star Amusements Agreement - for the amusement rides and related services at the Franklin Carnival on August 28, 2024 thru September 1, 2024.

13. Mayoral Appointments
Mayor Sowden will make the following appointments:

Crossing Guard Status Changes

Substitute Crossing Guard to Permanent Crossing Guard:
John Panso Jacquelyn Kimmel

All to remain at the current rate of \$15.71 effective May 15, 2024 as recommended by Rebecca Babcock, Crossing Guard Captain.

14. Water/Sewer Connection Application approval for the application submitted by Scott Zotollo for 2 EDU's 4-family residential dwelling at 453 Route 23, contingent upon receipt of all associated connection fees.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 14, 2024

- 15. Discussion on Local Freight Impact Fund Grant
- 16. Discussion on proposal for Professional Consulting services for downhole video logging and pumping test and reporting for Scott Road wells.
- 17. Discussion on sidewalk projects and Main Street parking lot.

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
APRIL 23, 2024**

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 requested a moment of silence in remembrance of Mrs. Emily Bazelwich.

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 7, 2024, 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

Mr. Limon had nothing to report.

Mr. Postas commented that the EDC Committee is working on the Pondside Market and looking into a fee schedule and method of payment. We are also planning on entertainment for each month that the market is there. The first event we have will coincide with Franklinite. We are going to have three food trucks and we are also looking into a beer tent that Brick and Brew will attend to.

Mr. Snyder had nothing to report.

Mrs. Heath commented that the Spring Fling was on Saturday and Mr. Eddie Mindlin is the Senior of the year. The 5k race is on May 4th. Mrs. Heath commented that Ms. Bazelwich will be dearly missed.

Mr. Skellenger commented that the Mobile unit from Motor Vehicle is scheduled to come to the pond the second week in August. One month beforehand, the appointments will be posted on the website for scheduling.

Mr. Formica commented that public safety met with Darlene and interviews were conducted for police officers. We got approval from the police department about having a beer garden but would require approval from the council to allow them to have a one-day permit.

Mrs. Tremont commented that a notice was sent on April 20, 2024, to the Rowett property. The line striping on Main and Junction is being scheduled. We received notification from the Finance department that our first quarter taxes from Ascend were \$464,328.33. Mrs. Tremont commented that the last ordinance that needs to be adopted is for tree removal/replacement. Mr. Ursin explained the consequences if this ordinance is not adopted. Mrs. Tremont commented that our goal is to have this ordinance on the next agenda for introduction. If anyone has any input, they can contact Mr. Ursin or the Administrator. Mrs. Tremont asked if everyone received her email regarding Hemlock Drive and the sidewalks and asked if anyone had any changes or objections.

Mr. Ursin had nothing to report.

Mayor Sowden had nothing to report.

MAYOR & COUNCIL MEETING MINUTES APRIL 23, 2024

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 Mrs. Heath. All were in favor.

Mrs. Patti Carnes stepped forward. Ms. Carnes commented that the Spring Fling was well attended (70 people). Brick and Brew provided the food and for next year we are looking to schedule this event in May.

Mr. Alan Henderson stepped forward. Mr. Henderson commented that he is one of five candidates running for Sussex County Commissioner and he is looking for all to come out and vote.

Mr. Mike Raperto stepped forward. Mr. Raperto commented on the 4-way stop at Main and Junction and asked if DOT approval was received.

Mrs. Tremont commented that according to the Borough Engineer, DOT approval was not needed for this stop intersection as it does not intersect with a State Highway.

Mr. Raperto asked if Franklin was eligible for the bearproof garbage cans that Hardyston and Sparta received from the NJDEP.

Mr. Skellenger commented that those towns received trash cans as they had an uptick in incidences with bears.

There being no one else present who wished to address the Governing Body, Mrs. Heath made a motion to close the meeting to the public, seconded by Mr. Postas. 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 06-2024 amending chapter 30 "Land Development.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. COH Report – March 2024
2. Permit List – March 2024
3. Construction Department Report – March 2024
4. DPW Report – March 11 – March 15
5. Court Report – March 2024
6. Board of Health Report – March 2024
7. DPW Report – March 18 – March 22
8. Registrar Report – January – March 2024
9. Police Department report – March 2024

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 23, 2024.

Mrs. Heath made a motion to approve the consent agenda of April 23, 2024. Seconded by Mr. Limon.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

MAYOR & COUNCIL MEETING MINUTES APRIL 23, 2024

NEW BUSINESS

Public Hearing on the 2024 CY Municipal Budget

Mayor Sowden requested a motion to open the meeting to the public for public comments on the 2024 CY Municipal Budget. Mr. Postas made a motion to open the meeting to the public for public comment on the CY2024 Municipal Budget, seconded by Mr. Skellenger. All were in favor.

There being no one present who wished to address the Governing Body, Mr. Skellenger made a motion to close to the meeting to the public. Seconded by Mr. Postas. All were in favor.

Resolution #2024-51

Mr. Postas made a motion to adopt resolution 2024-51 to adopt the 2024 CY Municipal Budget. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for April 9, 2024. (Absent: None) Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of the Minutes

Mr. Skellenger made a motion to approve the special meeting minutes for April 15, 2024. (Absent: Limon, Postas) Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon, Postas

Resolution 2024-52

Mr. Formica made a motion to adopt resolution 2024-52 approval to submit a grant application and execute a grant contract with the New Jersey Highlands Council for stormwater and Tier A Compliance. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger

Nays: Postas, Snyder Absent: None Abstentions: None

Resolution 2024-53

Mr. Limon made a motion to adopt resolution 2024-53 declaring the Borough of Franklin resolution of support for the JCP&L EnergizeNJ Program BPU Docket No. EO23110793. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: Postas Absent: None Abstentions: None

Resolution 2024-54

Mr. Skellenger made a motion to adopt resolution 2024-54 in support of the request to the NJDOT from the Franklin Police Department to consider a left-hand turn lane on Route 23 in the vicinity of mile marker 32.5. 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 APRIL 23, 2024

Adoption of Ordinance 06-2024

Mrs. Heath made a motion to adopt ordinance 06-2024 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 119-4, GENERAL FEES." Seconded by Mr. Postas.

Prior to final roll call Mayor Sowden requested a motion to open the meeting to the public for Ordinance 06-2024. Mr. Postas made a motion to open the meeting to the public for Ordinance 06-2024, seconded by Mr. Snyder. All were in favor.

There being no one present 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.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction of Ordinance 07-2024

Mrs. Heath made a motion to introduce ordinance 07-2024 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS 2024 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$1,413,021 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,168,173 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF." Seconded by Mr. Postas.

Mayor Sowden announced that the Public Hearing will be held May 14, 2024.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval to Extend Conditional Offer(s)

Mr. Formica made a motion to extend conditional offer(s) to Police Officer candidate(s) as recommended in the Police Chief's April 18, 2024 letter. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Peddler's Permit Application

Mr. Snyder made a motion to approve the peddler permit submitted by Juan Zerna for the sale of ice cream. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Snyder

Nays: None Absent: None Abstentions: Skellenger

Discussion on letter from Historical Preservation Committee

Mayor Sowden read into record the letter from the Historical Preservation Committee that was sent to the council.

Mrs. Heath commented that she does not know how the council can designate something historical.

Mayor Sowden commented that it can be recommended by the council, but the state has to make the determination.

Mr. Postas commented that the building has been there for 17 years with no funding being done. What has stopped the historical society/committee or those that have been involved with it from obtaining grants in the past. Just because it is historically

MAYOR & COUNCIL MEETING MINUTES APRIL 23, 2024

designated does not mean grants cannot be obtained. If this building is designated historical, it will take it out of the council's hands and the town's hands in perpetuity. What has been done with past funds. There may be a new project across the street that we should concentrate on.

Mayor Sowden commented that the church has been deemed historic by the state.

Mr. Formica commented that if the church has been deemed historic, the paperwork should be presented to the council.

Mr. Formica commented that he wants to explore different options.

Mrs. Heath asked what the \$150,000 loan was used for.

Mayor Sowden commented that it was used to relocate the building to its present location.

Mr. Formica asked if the loan was paid back. Mayor Sowden commented that the loan wasn't paid back. Only parts of the loan were paid back in interest only but then it was forgiven.

Mr. Snyder commented that the Hungarian Church had 3 options to move the church to. The church has not been taken care of. Mr. Snyder was not against the church, just the location of the church.

Mayor Sowden explained the different locations for the church.

Mayor Sowden invited Judy Williams, Historical Society Chair, to step forward.

Mrs. Judy Williams stepped forward. Mrs. Williams commented that the church was built on Edison Mountain for his residents. Mrs. Williams explained the history of the church. When it was proposed to the historical society to move the building the whole idea was to incorporate revitalization to Franklin Borough and restart Main Street. The reason it was chosen there, the old neighborhood house site, is because the neighborhood house served the community from the zinc company it was never a ratable, it was on Main Street, and it fit in the zone. The Main Street site was vacant for 12 years. This property has 3 front yards which makes it difficult to develop. The loan that was obtained was for moving and all costs were accounted for. The lease agreement mentioned going forward and it has been defaulted on because we couldn't move forward. The trees on the property are in memory of various people and a lot of energy was put in for the good of the people. We need to find the funding to fix it for the best of the town.

Mr. Snyder commented there was a conflict with the council when voting to move it in the beginning.

Mrs. Williams stated let's all work together. Mrs. Williams asked if a subcommittee can be formed to discuss the possibilities of keeping the building.

ADDENDUM

Mr. Postas made a motion to adopt the National Association of Letter Carriers Proclamation proclaiming the second Saturday in May as the National Association of Letter Carriers food drive. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

MAYOR & COUNCIL MEETING MINUTES APRIL 23, 2024

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 8:29p.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 #2024-55

RESOLUTION AUTHORIZING A DISABLED VETERAN EXEMPTION ON BLOCK 1403 LOT 1

WHEREAS, The Department of Veteran Affairs determined that Steven T. Simm at 19 Ginter Street, Block 1403, Lot 1 had a service connected disability that was totally disabling effective August 22, 2022.

WHEREAS, the Tax Assessor has received a Claim for property tax exemption on dwelling house of Disabled Veteran, which was approved by the Tax Assessor on April 17, 2024.

WHEREAS, as per N.J.S.A.54: 4-3.30et seq, Mr. Simm is entitled to a tax exemption on his property located at 19 Ginter Street from February 10, 2024, date of application.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Tax Collector is authorized to cancel taxes billed from February 10, 2024 to June 30, 2024 in the amount of \$3,861.21.
2. The Tax Collector is authorized to cancel final 2024 taxes at billing.
3. This property will be marked as exempt in the 2025 tax list.

This Resolution shall take effect immediately.

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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 & Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, at a meeting held on May 14, 2024.

\_\_\_\_\_  
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 #2024-56

### RESOLUTION AUTHORIZING A DISABLED VETERAN EXEMPTION ON BLOCK 608 LOT 1

**WHEREAS**, The Department of Veteran Affairs determined that Jake Zelencich at 40 Sterling Street, Block 608, Lot 1 had a service connected disability that was totally disabling effective June 25, 2023.

**WHEREAS**, the Tax Assessor has received a Claim for property tax exemption on dwelling house of Disabled Veteran, which was approved by the Tax Assessor on April 17, 2024.

**WHEREAS**, as per N.J.S.A.54: 4-3.30et seq, Mr. Zelencich is entitled to a tax exemption on his property located at 40 Sterling Street from February 15, 2024, date of application.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Tax Collector is authorized to cancel taxes billed from February 15, 2024 to June 30, 2024 in the amount of \$2,238.33.
2. The Tax Collector is authorized to cancel final 2024 taxes at billing.
3. This property will be marked as exempt in the 2025 tax list.

This Resolution shall take effect immediately.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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 & Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, at a meeting held on May 14, 2024.

\_\_\_\_\_  
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 #2024-57

### RESOLUTION OF THE BOROUGH COMMITTEE OF THE BOROUGH OF FRANKLIN AUTHORIZING A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MASTER STREET, WARREN STREET, & GREEN STREET PROJECT

**WHEREAS**, Franklin Borough is submitting a grant application to the New Jersey Department of Transportation for a project to pave a portion of Master Street, Warren Street, & Green Street; and

**WHEREAS**, the Borough Council of the Borough of Franklin formally approves the grant application for the above stated project; and

**BE IT RESOLVED** that the Borough Engineer is hereby authorized to submit an electronic grant application identified as MA-2025-Master Street, Warren Street, & Green-00007 to the New Jersey Department of Transportation on behalf of the Borough of Franklin.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted:

Attest:

BOROUGH OF FRANKLIN  
IN THE COUNTY OF SUSSEX

\_\_\_\_\_  
Darlene J. Tremont, Municipal Clerk

\_\_\_\_\_  
John M. Sowden IV, Mayor

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin do hereby certify the forgoing resolution was duly adopted by the Borough Council at the Regular meeting held on May 14, 2024.

\_\_\_\_\_  
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 #2024-58

### RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING THE HIRING OF A SEASONAL LABORER FOR MAINTENANCE IN THE DEPARTMENT OF PUBLIC WORKS

**WHEREAS**, there has arisen an opportunity to hire a seasonal laborer for maintenance in the Department of Public Works;

**WHEREAS**, Frederick Babcock, Sr. was previously employed as a full time laborer in the Department of Public Works with many years experience;

**WHEREAS**, Brian VanDenBroek, Public Works Director recommends hiring Frederick Babcock, Sr. up to 25 hours per week at the rate of \$18.00 per hour effective May 16, 2024.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Franklin that the Borough Administrator is authorized to hire Frederick Babcock, Sr. as a Laborer for maintenance in the Department of Public Works up to 25 hours per week at the rate of \$18.00 per hour, effective May 16, 2024, conditioned upon all required pre-employment testing.

**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 May 14, 2024 at 7:00 PM.

\_\_\_\_\_  
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 #2024-59

### CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

**WHEREAS**, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

**WHEREAS**, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

**WHEREAS**, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

**WHEREAS**, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

**WHEREAS**, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

**WHEREAS**, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

**WHEREAS**, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

**WHEREAS**, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose

their privacy and/or have their information tracked and monetized for commercial purposes; and

**WHEREAS**, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

**WHEREAS**, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

**NOW, THEREFORE, BE IT RESOLVED**, the governing body of the Borough of Franklin in the County of Sussex respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

**BE IT FURTHER RESOLVED**, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Parker Space, 24<sup>th</sup> Legislative District, Governor Murphy, and the New Jersey League of Municipalities.

**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 May 14, 2024.

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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  
BOND ORDINANCE NUMBER 07-2024**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2024 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$1,413,021 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,168,173 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST 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 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 sum of \$1,413,021, which is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$174,196 (the "Grant") allocable to the Catlin Road, Wyker Road, Rowe Place and Junction Street improvements, and \$70,652 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3(a) hereof and to meet the part of said \$1,413,021 appropriation not provided for by application hereunder of the Grant and down payment in the amount of \$70,652, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,168,173 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 \$1,168,173 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, as follows:

| <u>Description</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Appropriation</u>               | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------|---------------------|--------------------|
| (i) <b><u>Road and Sidewalk Improvements</u></b> - Various Road And Sidewalk Improvements, Said Road Improvements To Include, But Not Limited To, Caitlyn Road, Wyker Road, Rowe Place And Junction Street (That Being The Portion Of The Improvements To Which The Grant Is Allocable), Edmonds Lane Extension And Hemlock Drive, Said Improvements To Include, But Not Be Limited To, Excavation, Milling, Paving, Reconstruction, Boxing Out, And Resurfacing Or Full Depth Pavement Replacement, And, As Applicable, The Repairing And/Or Installation, Of Associated Curbs, Curb Ramps (Including ADA Compliance); And Sidewalk Improvements To Include, But Not Limited To, Junction Street, Said Improvements To Include, But Not Be Limited To, Reconstruction Or Replacement Of Sidewalks And Driveway Aprons; And, As Applicable, All Associated Drainage Work, Roadway Painting, Landscaping And Aesthetic Improvements; | \$602,419<br>(including the Grant) | \$398,102            | \$30,121            | 20 years           |
| (ii) <b><u>Main Street Parking Lot Improvements</u></b> - Improvements To Parking Lot To Include, But Not Be Limited To, Excavation, Milling, Paving, Reconstruction, Boxing Out, And Resurfacing Or Full Depth Pavement Replacement, And, As Applicable, The Repairing And/Or Installation, Of Associated Curbs, Curb Ramps (Including ADA Compliance), Pavement Painting And Signage Improvements;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$394,850                          | \$375,107            | \$19,743            | 15 years           |

| <u>Description</u>                                                                                   | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|------------------------------------------------------------------------------------------------------|----------------------|----------------------|---------------------|--------------------|
| (iii) <b>Police Department</b> – Acquisition Of Various Sports Utility Vehicles With Upfittings; And | \$185,752            | \$176,464            | \$9,288             | 5 years            |
| (iv) <b>Public Works</b> – Acquisition Of A Road Mower And Chipper.                                  | \$230,000            | \$218,500            | \$11,500            | 5 years            |
| Totals                                                                                               | <u>\$1,413,021</u>   | <u>\$1,168,173</u>   | <u>\$70,652</u>     |                    |

(b) 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 all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated cost of said improvements or purposes is \$1,413,021, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant and the down payment in the amount of \$70,652 allocated for said purposes.

**SECTION 4.** Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Sussex and/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 and/or a private entity. Except for the Grant, 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 and/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 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 the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at 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, and 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. In the event of any such inconsistency, 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, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as a general improvement, 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 improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.92 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, New Jersey Department of Community Affairs, 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 \$1,168,173 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$282,604 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore 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 bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes 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 ordinance.

NOT YET APPROVED BY COUNCIL

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

**ADOPTED ON FIRST READING**  
**DATED: April 23, 2024**

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

**ADOPTED ON SECOND READING**  
**DATED: May 14, 2024**

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

**APPROVAL BY THE MAYOR ON THIS 14<sup>th</sup> DAY OF MAY, 2024.**

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

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

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

**BOROUGH OF FRANKLIN  
ORDINANCE NUMBER 08-2024**

**CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO  
POLICE DEPARTMENT, BY AND IN THE BOROUGH OF  
FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW  
JERSEY AND APPROPRIATING \$20,000.00 THEREFOR FROM  
THE CAPITAL RESERVE FOR IMPROVEMENTS TO MUNICIPAL  
PROPERTY FOR THE COST THEREOF**

**WHEREAS**, the Borough of Franklin, in the County of Sussex, State of New Jersey (the "Borough"), wishes to undertake Improvements to the Police Department; and

**WHEREAS**, the cost of a portion of said improvements or purposes is estimated to be \$20,000.00; and

**WHEREAS**, the Borough desires to authorize the appropriation and expenditure of \$20,000.00 from the capital reserve for improvement to municipal property to undertake this improvement.

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE  
BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY AS  
FOLLOWS:**

**SECTION 1.** The capital improvements or purposes described below are hereby authorized as Improvements to the Police Department Improvements to be undertaken by the Borough. For the said improvements or purposes, there is hereby appropriated the amount of \$20,000.00 from the capital reserve for improvements to public property.

**SECTION 2.** This ordinance shall take effect immediately after final adoption and approval by the Mayor as described in N.J.S.A. 40:49-2.

ADOPTED ON FIRST READING  
 DATED: May 14, 2024

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DARLENE J. TREMONT,  
 Clerk of the Borough of Franklin

ADOPTED ON SECOND READING  
 DATED:

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DARLENE J. TREMONT,  
 Clerk of the Borough of Franklin

APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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JOHN M. SOWDEN, IV, Mayor

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

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



**BOROUGH OF FRANKLIN  
ORDINANCE NO. 09-2024**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY CREATING  
CHAPTER 245, TREES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Code of the Borough of Franklin is hereby amended as follows:

**SECTION I.**

Chapter 245, Trees is hereby created as follows:

§ 245-1. Purpose.

An ordinance to establish requirements for tree removal and replacement in Borough of Franklin to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§ 245-2. Definitions.

“Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

“Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

“Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

“Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

“Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

“Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

“Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

“Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

#### § 245-3 Tree Replacement Requirements

- A. Replant one (1) tree with a minimum tree caliper of 1.5” for each tree removed.
- B. Replacement tree(s) shall:
  - 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
  - 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
  - 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
  - 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
- C. Replacement Alternatives. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the municipality.
  - b. Pay a fee of \$100.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§ 245-4 Exemptions. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the ‘count’ resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]

- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

§ 245-5 Enforcement:

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Franklin during the course of ordinary enforcement duties.

§ 245-6 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$200.00.

**SECTION II.** Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

**SECTION III.** This Ordinance shall take effect immediately upon (1) adoption; and (2) publication 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:

**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 May 14, 2024, 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 May 28, 2024, 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.

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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 \_\_\_\_\_, 2024.

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Darlene J. Tremont, Clerk  
Borough of Franklin

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John M. Sowden IV, Mayor

Introduced:

Adopted:

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

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