

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 11, 2021

- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."

D. **PRESENTATIONS**

Oath of Office – Historical Preservation Commission Members

Mayor Sowden will introduce Mr. Phillip Crabb, Historical Preservation Commission Chairman.

Mrs. Tremont will administer the Oath of Office to Mr. Phillip Crabb, Historical Preservation Commission Chairman.

Mayor Sowden will recognize Mr. Phillip Crabb who will introduce the Historical Preservation Commission Members.

Judith Williams	Member/Secretary	4-year term
Connie Cholminski	Member	3-year term
Jeffrey Garrity	Member	3-year term
Donald DeVore	Member	2-year term
Charles Postas	Member	1-year term

Mrs. Tremont will administer the Oath of Office to the Members of the Historical Preservation Commission.

- 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. **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.

- G. **OLD BUSINESS:**

- H. **NEW BUSINESS:**

1. **Approval of the Minutes**

A motion is in order to approve the regular meeting minutes for April 27, 2021. (Absent: None)

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2. Resolution #2021-39
A motion is in order to adopt resolution 2021-39 authorizing the administrator to hire Christine Nostray as part time Clerk at the rate of \$17.00/hr. not to exceed and average of 29 hours per week.
3. Resolution #2021-40
A motion is in order to adopt resolution 2021-40 authorizing the administrator to hire Nikolai Amarose as DPW full-time Step 1 Laborer at the rate of 18.53/hr. conditional upon successful background checks and drug testing.
4. Resolution #2021-41
A motion is in order to adopt resolution 2021-41 approving the LOSAP qualification list and authorizing contributions for qualifying members of the Franklin Fire Department and the Walkkill Valley First Aid Squad.
5. Introduction of Ordinance #06-2021
A motion is in order to introduce Ordinance 06-2021 entitled “AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN CHAPTER 161 PROHIBITING CERTAIN CANNABIS ESTABLISHMENTS AND RELATED ACTIVITIES”.

Public Hearing will be held on June 9, 2021.

6. Extra Duty Solutions Services Agreement
A motion is in order to approve the Extra Duty Solutions Services Agreement. (Services Agreement included in Council packets)
7. Scott Gaskill Development Agreement
A motion is in order to approve Scott Gaskill Development Agreement for the complete design of Franklin Borough’s website in the amount of \$11,800.00 upon obtaining certificate of insurance. (Agreement included in Council packets)
8. Approval of NJ State Firemen’s Association Membership Application
A motion it in order to approve the application for membership of Joseph R. Vangelakos, 16 Ben Franklin Drive, Franklin, to the Franklin Fire Department as endorsed by Khyle Conklin, Franklin Fire Department Chief.

I. 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.

- J. OPEN PUBLIC SESSION: **Mayor Sowden** will request a motion to open the meeting to the public, for any questions or comments concerning the

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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.

- 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.

RESOLUTION NO. 2021-39

RESOLUTION OF THE GOVERNING BODY OF THE
BOROUGH OF FRANKLIN AUTHORIZING
THE HIRING OF A PART TIME FINANCE CLERK

WHEREAS, a need has arisen to hire a part-time assistant due to a retirement in the Finance Office;

WHEREAS, the Borough is desirous of hiring someone to serve as a Finance Clerk to assist the Tax Assessor and the Department of Public Works;

WHEREAS, interviews were conducted and Christine Nostray was selected as the most qualified candidate to fill the position.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the Borough Administrator is authorized to hire Christine Nostray as a part time Clerk for the rate of \$17.00 per hour with hours not to exceed an average of 29 hours per week without employee benefits and other non-wage compensation.

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 in the Franklin Municipal Building at 46 Main Street at 7:00 PM on May 11, 2021.

Darlene J. Tremont, Municipal Clerk

Dated: May 11, 2021

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

RESOLUTION NO. 2021-40

**RESOLUTION OF THE GOVERNING BODY OF THE
BOROUGH OF FRANKLIN AUTHORIZING
THE HIRING OF A LABORER FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there has arisen a need to hire a laborer to fill a vacant position in the Department of Public Works;

WHEREAS, interviews were conducted and Nikolai Amarose was selected as a preferred candidate to fill the vacant position in the Department of Public Works;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the Borough Administrator is authorized to hire Nikolai Amarose as a full-time Step 1 Laborer in the Department of Public Works at the rate of \$18.53 per hour conditioned upon a successful background check, physical and drug test;

NOW THEREFORE BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Franklin that the employment position approved herein is with employee benefits and other non-wage compensation;

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 in the Franklin Municipal Building at 46 Main Street at 7:00 PM on May 11, 2021.

Darlene J. Tremont, Borough Clerk

Dated: May 11, 2021

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**COUNTY OF SUSSEX
BOROUGH OF FRANKLIN
RESOLUTION 2021-41**

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 2020 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 May 11, 2021 at 7:00 PM.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**Franklin Borough
Length of Service Awards Program – 2020
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

Babcock, Kaitlyn
Clint, James
Edwards, Erin
Francavilla, Gina
Friend, Jennifer
Friend, John
Gunderman, Alison
Havel, Jason
Henry, Jennifer
Hynda, Miranda
Lanham, Bill
Lanham, Cindy
Van Allen, Kat

ORDINANCE NO. 06-2021

AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN
CHAPTER 161 PROHIBITING CERTAIN CANNABIS ESTABLISHMENTS
AND RELATED ACTIVITIES

WHEREAS, the Borough seeks to maintain the health, safety and welfare of the citizens and visitors to the Borough and desires to amend the Code of the Borough of Franklin (the “Code”) in accordance with the terms provided for herein; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and pursuant to same, the Borough may enact an ordinance prohibiting the operation of any one (1) or more classes of cannabis establishment, or cannabis distributors or cannabis-delivery services (but not the delivery of cannabis items and related supplies by a delivery service); and

WHEREAS, due to the desire to ensure uniformity throughout the Borough regarding the prohibited retail sale of cannabis products and related activities in the Borough, the Borough desires to enact the instant legislation; and

WHEREAS, prior to the Borough Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by *N.J.S.A. 40:55D-64* and *N.J.S.A. 40:55D-26* of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Borough Clerk shall provide notice, pursuant to *N.J.S.A. 40:55D-15* of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Borough Council has determined to amend Article V, Section 161-27 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

Section 1. The Borough Council hereby amends Article V “Zoning,” Section 161-27 of the Code to read as follows:

161-27 Zoning districts.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

I. The following shall not be permitted in any zoning district in the Borough: the operation of retail cannabis establishments, which includes the selling and reselling of cannabis and cannabis items, or cannabis consumption areas, retail marijuana stores, retail marijuana growing

and cultivation facilities; and the operation of retail cannabis social clubs are prohibited within the Borough of Franklin and, therefore, all activities related to the above are expressly prohibited within the Borough of Franklin. Nothing herein shall be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq.

Section 2. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the Sussex County Planning Board, the clerk of any adjoining municipality, and to all other persons entitled thereto pursuant to *N.J.S.A. 40:55D-15* and *N.J.S.A. 40:55D-63* (if required). Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to public notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by *N.J.S.A. 40:55D-16*. The Clerk shall also forthwith transit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by *N.J.S.A. 40:49-2.1*.

Section 4. This Ordinance shall take effect after twenty (20) days of its final passage by the Borough Council, upon approval by the Mayor and publication as required by law.

ATTEST:

BOROUGH OF FRANKLIN

DARLENE J. TREMONT, CLERK

JOHN M. SOWDEN IV, MAYOR

DATED:

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 11, 2021, 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 June 9, 2021, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

Darlene J. Tremont
Municipal Clerk