

REGULAR AGENDA
FOR THE MAYOR AND COUNCIL MEETING
BOROUGH OF FRANKLIN,
HELD AT THE MUNICIPAL BUILDING, 46 MAIN STREET
FRANKLIN, NEW JERSEY AT 7:00 P.M. ON
FEBRUARY 13, 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. **Discussion on Zinc Mine redevelopment**
2. **Approval of the Minutes** for the regular meeting minutes and executive session meeting minutes for January 23, 2024. (Absent: None)
3. **Resolution 2024-23** authorizing a refund of an escrow for sewer connection in the amount of \$1,000 for Block 1701, Lot 4.
4. **Resolution 2024-24** authorizing a stipend for recreation secretary in the amount of \$3,000 annually.
5. **Resolution 2024-25** authorizing the award of non-fair and open contracts for professional services.

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING FEBRUARY 13,
2024**

6. Approval of DPW Salary Step Increase for Fred Milligan to grade step 2 \$20.20/hr. as per the DPW contract, effective February 1, 2024, as recommended by Brian VanDenBroek, DPW Director and the Administrator.
7. Introduction of Ordinance 3-2024 entitled “Borough of Franklin, County of Sussex, and State of New Jersey modifying the Historic Preservation Commission.”

Public hearing will be held on February 27, 2024.

8. Approve Special Event Permit Application - for Franklin Mineral Museum to conduct a Rock Swap and Sell on April 27, 2024 at the park next to the pond on George LaBance Lane, Franklin and to authorize the use of the Franklin Pond area for parking as needed.
9. Approval of NJ State Firemen's Association Membership Application
To approve the application for membership of Corey A. Dinapoli, 24 Skyview Drive, Franklin, as Firematic member to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.
10. Approval of NJ State Firemen's Association Membership Application
To approve the application for membership of Michael J. Luterzo, 40 Davis Road, Franklin, as Firematic member to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.
11. Approval of NJ State Firemen's Association Membership Application
To approve the application for membership of Jackson R. Arsuega, 27 Cummins Street, Franklin, as Firematic member to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.
12. Walkkill Valley Band Boosters request to waive the Municipal Raffle License Fee in the amount of \$60.00 for a 50/50 raffle to be held on March 8, March 9 and March 10, 2024.
13. Peddler's Permit Application to approve the peddler permit submitted by Curtis Pandorf – Hot Dog Truck located at 76 Route 23, Franklin.
14. Mayoral Appointment
Mayor Sowden will make the following appointment.

Economic Development Committee

Patti Carnes, Member (1-yr. term) Expires 12/31/2024
Heather Pruiksma, Member (1-yr. term) Expires 12/31/2024
Dan Larco, Member (1-yr. term) Expires 12/31/2024
Christopher Michaelk, Member (1-yr. term) Expires 12/31/2024
Holly Gouger, Member (1-yr. term) Expires 12/31/2024

15. Discussion on Road Opening request for 7 Rapole Street

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,

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING FEBRUARY 13,
2024**

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
JANUARY 23, 2024**

Council President Heath 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 and Mr. Snyder.

Absent: Mayor Sowden

Council President Heath led the assembly in the flag salute.

Council President Heath 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

Oath of Office – David Schneider

Council President Heath recognized Police Chief Gregory Cugliari who will introduce Franklin Police Department Sergeant David Schneider.

Mrs. Tremont administered the Oath of Office to David Schneider, Franklin Police Department Sergeant.

Oath of Office – Alex Lospinuso

Council President Heath recognized Police Chief Gregory Cugliari who will introduce new hire Franklin Police Department Patrolman Alex Lospinuso.

Mrs. Tremont administered the Oath of Office to Alex Lospinuso, Franklin Police Department Patrolman.

Oath of Office – Jake Rotunda

Council President Heath recognized Police Chief Gregory Cugliari who will introduce new hire Franklin Police Department Patrolman Jake Rotunda.

Mrs. Tremont administered the Oath of Office to Jake Rotunda, Franklin Police Department Patrolman.

Special Awards Presentations

Chief Cugliari presented Sergeant Schneider with the "Exceptional Duty Award" for dismantling a drug distribution network with the help of the Sussex County Narcotics Task Force in April of 2022.

On August 4, 2023, Officer Alex Lospinuso successfully completed the field training program. In the initial hours of his first day Officer Lospinuso responded to a motor vehicle accident on the northern end of Rutherford Avenue, where his swift actions contributed to saving a life. Chief Cugliari presented Officer Alex Lospinuso with the Police department's "Life Saving Award." Officer Lospinuso was also presented with a plaque from the Ioime Family for his heroic actions.

Franklin Borough Police Department

Parking Meter System – Chief Cugliari explained how the department manages the two-hour parking time limit on Main Street. Captain Geddis explained the parking meter system. It is a kiosk system, and the company recommends putting the kiosks in the areas of the most problems. The cost for each unit is \$7,000 plus a service fee per year per unit. The total cost for 3 kiosks is \$26,387.29.

COMMITTEE REPORTS

Mr. Limon commented that he will set up a meeting with the public works committee. Mr. Limon discussed items from a previous DPW report regarding road repairs,

MAYOR & COUNCIL MEETING MINUTES JANUARY 23, 2024

maintenance of buildings and snow removal. Mr. Limon commented that he received an email that John Rome has advised he is looking to retire as of August 1, 2024.

Mr. Postas commented that the ordinance committee met yesterday, and we are working on issues of vacant commercial properties on Route 23. The EDC Committee met last week and there are new members.

Mr. Snyder commented that the personnel committee met and discussed salary increases.

Mr. Formica commented that public safety met last night as a joint meeting with the Chief of Police and Fire Department to discuss the rails to trails opening. We discussed having a music festival at Fireman's Park with more details to follow.

Mr. Skellenger had nothing to report.

Mrs. Tremont commented that she met with Brightspeed as they will be updating their equipment. Most of the equipment will be above ground but if they do locate anything underground, they will let us know. There were some issues at the cell tower at 19 Evans Street, there were some lines that were down and Brian had to lock out the electric to the cell towers.

Mrs. Heath commented that the Recreation has a new Chairperson, Patti Carnes and Vice Chairperson is Bobbi Formica. March 30, Easter Egg Hunt, Spring Fling is April 20, casino bus trip on February 3 and they are working on the 5k.

Ms. Clinton had nothing to report.

Mr. Snyder recognized Dawn Fantasia, assemblywoman in the audience.

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 Mr. Postas. All were in favor.

Dawn Fantasia stepped forward. Ms. Fantasia commented that she was here to be a part of the recognitions of the police officers. Ms. Fantasia commented on the committees that she and the assembly people are on. If the town needs help in their areas to please reach out. There will be quarterly meetings at the District 24 office in Sparta.

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

Mr. Formica made a motion to re-open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Skellenger. All were in favor.

Caterina Motz stepped forward. Ms. Motz commented the drainage ditch that runs near her property is flooding her property.

Mr. Postas commented that the engineer was contacted and recommended to put a grate further up the stream. We will talk to DPW to get a plan in place to correct the problem.

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

CONSENT AGENDA

Council President Heath 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):

MAYOR & COUNCIL MEETING MINUTES JANUARY 23, 2024

1. Letter dated January 3, 2024 from Darlene J. Tremont to State of New Jersey Legalized Games of Change in re: 2023 annual raffle report
2. Resignation letter from Eric Maynard from the Recreation Committee.
3. Resolution from the County of Sussex authorizing a shared service agreement for congregate nutrition program.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Animal Control Report – January – December 2023
2. Permit Activity Report - December 2023
3. Permit List – December 2023
4. COH report – December 2023
5. DPW Report – November 20 – November 24, 2023
6. DPW Report – November 27 – December 1, 2023
7. DPW Report – December 4 – December 8, 2023
8. Board of Health Report – December 2023
9. Registrar Report – October – December 2023
10. DPW Report – December 11 – December 15, 2023
11. DPW Report – December 18 – December 22, 2023
12. DPW Report – December 25 – December 29, 2023
13. DPW Report – January 1 – January 5, 2024
14. Municipal Court Report – December 2023
15. Zoning Officer report
16. Police Department Report – December 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution 2024-15 appointing Glenn T. Gavan as Municipal Court Judge.
2. Resolution 2024-16 authorizing a disabled veteran exemption for Block 1401 Lot 42
3. Resolution 2024-17 authorizing a budget transfer in the amount of \$7018.00.
4. Payment of bills for the meeting of January 23, 2024.

Mr. Postas made a motion to approve the consent agenda of January 23, 2024. Seconded by Mr. Formica.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Snyder asked for details on the Rowett property and the status of the 4-way stop at Main and Junction.

NEW BUSINESS

Approval of the Minutes

Mr. Postas made a motion to approve the reorganization meeting minutes and regular meeting minutes for January 2, 2024. (Absent: None) Seconded by Mr. Skellenger

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Sewer Connection Application

Mr. Postas made a motion to approve the sewer connection application submitted by Ascend New Jersey LLC for a 51 EDU's commercial dwelling at 24 Munsonhurst Road contingent upon all directives followed as per Utility Engineer, Michael Vreeland's memo dated January 17, 2024, and his final review. Seconded by Mr. Formica.

Mr. Postas made a motion to amend the original motion to approve 47 EDU's commercial dwelling at 24 Munsonhurst Road for a total of 51 EDU's. Seconded by Mr. Snyder.

MAYOR & COUNCIL MEETING MINUTES JANUARY 23, 2024

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Agreement for Certified Recycling Professional

Mr. Postas made a motion to approve the agreement between the Borough of Franklin and SCMUA to retain the services of SCMUA for a Certified Recycling Professional that will be responsible for executing the mandatory annual 2023 municipal recycling tonnage report in the amount of \$300.00 annually. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2024-18

Mr. Postas made a motion to authorize the execution of the New Jersey Department of Environmental Protection Treatment Works approval permit application (TWA-1); Statement of Consent for Block 2401 Lot 21 as requested by AWH Cultivation Facility. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2024-19

Mr. Snyder made a motion to approve authorizing the Borough's Certified Recycling Professional to submit the 2023 recycling tonnage grant application to NJ Department of Environmental Protection. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2024-20

Mr. Snyder made a motion to approve authorizing a disabled Veteran tax exemption for the premises located at 40 Woodland Rd, Block 2201, Lot 62 and cancel taxes in the amount of \$1,009.62. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2024-21

Mr. Snyder made a motion to approve awarding phone stipend to DPW Foremen and On-call Staff. Seconded by Mr. Skellenger.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2024-22

Mr. Snyder made a motion to authorize the hiring of a Laborer for snow removal on an as needed basis in the Department of Public Works at the rate of \$25.00 per hour. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 01-2024

Mr. Formica made a motion to adopt ordinance 01-2024 entitled "SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH

MAYOR & COUNCIL MEETING MINUTES JANUARY 23, 2024

OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". Seconded by Mr. Skellenger.

Council President Heath requested a motion to open to the public Ordinance 01-2024.

Mr. Skellenger made a motion to open to the public ordinance 01-2024. Seconded by Mr. Postas. 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 public ordinance 01-2024. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 02-2024

Mr. Formica made a motion to adopt ordinance 02-2024 entitled "BOROUGH OF FRANKLIN SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) Seconded by Mr. Skellenger.

Council President Heath requested a motion to open to the public Ordinance 02-2024.

Mr. Skellenger made a motion to open to the public Ordinance 02-2024. Seconded by Mr. Formica. 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 public ordinance 02-2024. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Congregate Nutrition Program Shared Services Agreement

Mr. Skellenger made a motion to approve the Shared Service Agreement between the County of Sussex and the Borough of Franklin for the Franklin Congregate Nutrition Programs from January 1, 2024 to December 31, 2024 in the amount of \$27,700.00. Seconded by Mr. Snyder.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discharge of Mortgage

Mr. Skellenger made a motion to confirm the Discharge of Mortgage, pending receipt of payment, dated September 12, 1999, for Linda Massey, 40 Sterling St., Franklin, in the amount of \$10,000.00. Seconded by Mr. Postas.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion on Recreation Field Use Fees

Mr. Formica stated a recommendation of increases on the field use fees for Recreation. The recommendations of the fees are as follows: daily from \$50 to \$75, seasonal from \$200 to \$400, security deposit would match, daily light fee \$75, seasonal light fee \$350 and the rest of the fees will stay the same. The ordinance committee will discuss and make additional recommendations.

MAYOR & COUNCIL MEETING MINUTES JANUARY 23, 2024

Discussion on Borough and Water/Sewer Engineer RFP's

Mrs. Tremont commented that she sent out the cost sheets from the four RFP's that were received French and Parrello were the lowest then it was VanCleaf Engineering. Mrs. Tremont commented that it is up to the council in what direction they want to move.

Mr. Postas made a motion to award a contract to VanCleaf Engineering as the Water Engineer and French and Parrello as the Town Engineer. Seconded by Mr. Formica.

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

Liam DeRenzo and William Phillips stated that they are here for the citizenship and community merit badge. In order to obtain this badge, they have to attend a meeting and write about what is talked about and also do 7 hours of service with an organization.

Mrs. Heath commented that Former Mayor James King passed away last week.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Skellenger made a motion to adjourn the meeting at 8:26p.m., seconded by Mr. Snyder. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk

Borough of Franklin, County of Sussex

Resolution #2024-23

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING A REFUND OF AN ESCROW FOR SEWER CONNECTION

WHEREAS, Joseph Strongosky made an application for a sewer connection in 2022;

WHEREAS, Mr. Strongosky was required to post the sum of \$1000.00 as an escrow;

WHEREAS, the Borough professionals all agree that the escrow is no longer needed and can be refunded;

WHEREAS, the CFO has recommended the return of the escrow;

NOW THEREFORE IT BE RESOLVED that the sum of \$796.00 from the sewer connection escrow fund be returned to Joseph Strongosky related to the project on Block 1701 Lot 4.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting held on February 13th, 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 #2024-24

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING A STIPEND FOR RECREATION SECRETARY

WHEREAS, Suzann Brush is currently serving as the Recreation Secretary for the Franklin Borough Recreation Committee; and

WHEREAS, the Personnel Committee is recommending a stipend for Suzann Brush as Recreation Committee Secretary in the amount of \$3,000.00 annually effective January 1, 2024;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin authorizes a stipend for Suzann Brush in the amount of \$3,000.00 annually effective January 1, 2024.

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 meeting held on February 13, 2024 at 7:00PM.

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 #2024-25

RESOLUTION #2024-25 AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES

WHEREAS, there exists a need for engagement of various professional services for the Borough of Franklin as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of the following contracts are set forth below; and

WHEREAS, the following individuals and firms have submitted a proposal indicating they will provide the professional services described below for the stated price said proposal; and

WHEREAS, the following individuals and firms have completed and submitted a Business Entity Disclosure Certification which certifies that the following individuals have not made any reportable contributions to a political or candidate committee in the Borough of Franklin in the previous year, and that the contract will prohibit the following individuals and firms from making any reportable contributions through the term of the contract, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin, authorizes the Mayor to enter into a contract with the following individuals and firms as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value for the following individuals and firms be placed on file with this resolution, and

BE IT FURTHER RESOLVED that the following individuals and firms are awarded a contract for providing the professional services for the Borough of Franklin, as indicated:

French & Parrello Associates is awarded a contract for providing engineering services for the Borough of Franklin for the year 2024, dated January 1, 2024 in the amount of \$140.00 per hour with Denis Keenan as principal engineer.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Michelle LaStarza, CFO, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of the Maximum Value of this Contract not to exceed \$120,000.00, at this time. Appropriation #01.201.20.165.020.

Van Cleef Engineering Associates, LLC is awarded a contract for providing FMUA Water/Sewer systems engineer for the year 2024, dated January 1, 2024 in the amount of \$147.00 per hour for a licensed engineer.

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ. I, Michelle LaStarza, CFO, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that a reasonable estimate of

the Maximum Value of this Contract not to exceed \$120,000.00, at this time. Appropriation #09.201.55.502/503.042.

BE IT FURTHER RESOLVED, a notice of this action shall be published at least once in the New Jersey Herald.

CERTIFICATION: I 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, at their meeting held on February 13, 2024, at 7:00p.m. in the Franklin Borough Municipal Building, 46 Main Street, Franklin, NJ.

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)				

NOT YET APPROVED BY COUNCIL

BOROUGH OF FRANKLIN

ORDINANCE No. 03-2024

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY
OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING
THE HISTORIC PRESERVATION COMMISSION**

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

SECTION I. Chapter 10 of the Code is hereby modified to replace Sections 10-11 through 10-13 as follows:

Article III. Historic Preservation Committee

§ 10-11. Membership; terms; meetings.

A. The Historic Preservation Committee (HPC) is hereby established consisting of five regular members and two alternate members, each of whom shall be appointed by the Mayor, of the following three classes:

- (1) Class A: persons who are knowledgeable in building design and construction or in architectural history;
- (2) Class B: persons who are knowledgeable or have a demonstrated interest in local history; and
- (3) Class C: persons who are residents of the municipality.
- (4) There shall be at least one regular member from each class.
- (5) Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.

B. Terms of membership.

- (1) The term of each regular member shall be four years, and the term of each alternate member shall be two years.
- (2) Alternate members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."
- (3) The term of any member in common with the Planning Board shall be for the term of membership on such Board.

C. Role of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term only.

E. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

F. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

G. Conflict. No member or alternate member of the HPC shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Committee on the hearing of such matter, nor shall participate in any discussion or decision.

H. Organization. The HPC shall elect from its members a Chairman and Vice Chairman and select a Secretary who may or may not be a member of the HPC or a municipal employee.

I. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Committee.

J. Rules and procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:

- (1) A quorum for any action by the HPC shall be three members.
- (2) All HPC minutes and records shall be public records.
- (3) All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq.).
- (4) HPC meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the Planning Board, governing body, or Construction Official.

§ 10-12. Role.

A. For applications that would otherwise not require Planning Board review, that are historic sites or in historic districts, the Zoning Officer shall refer the application to the HPC for a written report on the application and its compliance with the Borough's historic district regulations. This report shall be submitted to the Zoning Officer, who shall issue a written approval or denial based on the HPC report, pursuant to N.J.S.A. 40:55D-111. The report of the HPC shall also be provided to the applicant and the Planning Board. The report shall be sent to the Zoning Officer within 45 days of the referral to the HPC. Failure of HPC to report within the forty-five-day period shall constitute a determination that the application is consistent with the historic district regulations and that no condition on the issuance of the permit shall be imposed.

B. For applications that require Planning Board review based on provisions of the Borough Land Development Ordinance that are historic sites or in historic districts, the application shall be referred to the HPC for a written report on the application and its compliance with the Borough's historic district regulations. This report shall be submitted to the Planning Board which shall make a final decision on the matter. The report of the HPC shall be sent to Planning Board and applicant within 45 days of the referral to the HPC or prior to the scheduled public hearing before the Board on the matter, whichever is sooner. Failure of the HPC to report shall constitute a determination that the application is consistent with the historic district regulations and that no condition shall be imposed on the issuance of any approval.

C. An applicant may appeal any determination of the Zoning Officer to the Borough Planning Board. Said appeal shall occur within 45 days of the final determination by the Zoning Officer.

D. The HPC shall advise the Planning Board from time to time through the process of amending the Historic Preservation Element of the Master Plan.

E. The HPC shall recommend to the Planning Board guidelines for review to be utilized in determinations of historic landmark status and for review of development applications or permits affecting historic landmarks or improvements within historic districts. The Planning Board may recommend modifications of the guidelines.

§ 10-13. Duties and responsibilities.

The Historic Preservation Committee shall have the following duties and responsibilities:

- A. To prepare a survey or surveys of historic sites and districts pursuant to criteria established in such survey;
- B. To make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications of any other element on the preservation of historic sites and districts;
- C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;
- D. To advise the Planning Board on applications for development;
- E. To provide written reports on the application of the zoning provisions of this article or other land development regulations on historic sites and districts;
- F. To provide technical assistance upon request to property owners on the preservation, restoration, and rehabilitation of historic structures;
- G. To carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality.

SECTION II.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION V

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

BOROUGH OF FRANKLIN

Darlene J. Tremont, CLERK

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 February 13, 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 February 27, 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.

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.

Darlene J. Tremont, Clerk
Borough of Franklin

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						
JOSEPH LIMON						
JOHN POSTAS COUNCIL PRESIDENT						
STEPHEN SKELLENGER						
GILBERT SNYDER						
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
RACHEL HEATH						
JOSEPH LIMON						
JOHN POSTAS COUNCIL PRESIDENT						
STEPHEN SKELLENGER						
GILBERT SNYDER						

MAYOR SOWDEN, IV (Tie Only)						
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NOT YET APPROVED BY COUNCIL