

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 23, 2023

- 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, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
Fire Department Oaths of Office
- Mayor Sowden** will recognize the Chief of the Franklin Fire Department for 2023, Michael Raperto.
- At this time Ms. Tremont will administer the Oath of Office to the Chief of the Franklin Fire Department for 2023, Michael Raperto.
- Fire Chief Raperto** will recognize the Assistant Chief of the Franklin Fire Department for 2023, Corey Houghtaling.
- At this time Ms. Tremont will administer the Oath of Office to the Assistant Chief of the Franklin Fire Department for 2023, Corey Houghtaling.
- 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:**
1. **Discussion on McCann Street Sewer Remediation**

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 23, 2023

I. **NEW BUSINESS:**

1. Approval of the Minutes for the regular meeting minutes for May 9, 2023. (Absent: Postas and Mayor Sowden)
2. Resolution 2023-69 authorizing through NJ State Contract a purchase of a 2023 Chevrolet Tahoe PPV from Hertrich Fleet Services
3. Resolution 2023-70 regarding terms of COAH compliance with the revised developer's agreement
4. Resolution 2023-71 authorizing the Borough of Franklin to enter into a vendor contract agreement with the New Jersey Department of Community Affairs to participate in the Low-Income household water assistance program ("LIHWAP")
5. Resolution 2023-72 authorizing a refund of a tax overpayment to the State of New Jersey
6. Resolution 2023-73 authorizing participation in County of Sussex volunteer fire and emergency medical services grant program funded by the American Rescue Plan Act's (ARPA) Coronavirus state and local fiscal recovery funds (CSLFRF), Assistance listing #21.027
7. Resolution 2023-74 regarding police department promotion (Letter of recommendation included in council packet)
8. Adoption of Ordinance 05-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY MODIFYING CHAPTER 248 TOWING SERVICES".

Prior to final roll Mayor Sowden will request a motion to open the meeting to the public for comments on ordinance 05-2023.

9. Introduction of Ordinance 06-2023 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS 2023 ROAD IMPROVEMENTS BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$803,962 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$588,342 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

Public hearing will be June 13, 2023.

10. 100 Main Street Municipal Parking Lot to authorize French & Parrello to provide a boundary survey for 100 Main Street Parking Lot in the amount of \$2,000.00.
11. Approve request from Walkkill Valley Coalition to allow an Atlantic Health helicopter land at the Franklin Pond during National Night Out on August 1, 2023
12. Discussion on referendum question
13. Discussion on amendment to Borough Fee Ordinance
14. Discussion on Re-Zoning

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.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 23, 2023

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
MAY 9, 2023**

This meeting is being held in person adhering to the CDC guidelines and through a virtual meeting platform called ZOOM. The public who attended through ZOOM has been notified and instructed on how to join the meeting and participate during the public session.

Mr. Skellenger made a motion to appoint Mr. Snyder as the Temporary Council President for the purposes of tonight's meeting. Seconded by Mrs. Heath. All were in favor.

Temporary Council President Snyder 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. Skellenger and Mr. Snyder.

Absent: Mr. Postas and Mayor Sowden

Temporary Council President Snyder led the assembly in the flag salute.

Temporary Council President Snyder 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 6, 2023, 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

Mrs. Heath commented that at the recreation meeting there was a presentation from a representative from Keystone Sports in regards to a pickle ball court. Mrs. Heath commented on upcoming events in Franklin such as the Franklin Carnival May 24th through May 29th, Franklinite July 1st (pageants, vendors and fireworks), Concerts in the park July 15th and July 22nd, fishing contest Saturday June 3rd 8am-12pm and National Night Out is Tuesday, August 1st.

Mr. Skellenger thanked Mr. Snyder, Mrs. Tremont and Mrs. Heath for interviewing for the new police hire and police sergeant promotion.

Mr. Formica commented that the kayak launch is installed.

Mr. Limon commented about the paving items on the agenda.

Mrs. Tremont commented on the water tank pre construction meeting and Mike Vreeland is working very diligently with the cell tower companies to have them removed for the tank painting. Mrs. Tremont provided a copy of an email that was sent by Brian in regards the progress of the new well locations.

Mr. Ursin had nothing to report.

Mr. Snyder commented that the personnel committee met and had contract negotiations and spoke about a new part time for the senior center and summer hours for the Borough Hall.

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.

Patti Carnes asked when the lock would be repaired on the door at the Senior Center.

MAYOR & COUNCIL MEETING MINUTES MAY 9, 2023

There being no one else present or on Zoom 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

Temporary Council President Snyder 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. None filed

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. DPW Report – April 3 – April 7
2. DPW Report – April 10 – April 14
3. DPW Report – April 17 – April 21
4. Construction Permit Activity Report – April 2023
5. Permit List – April 2023
6. COH Report – April 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 9, 2023.

Mr. Limon made a motion to approve the consent agenda of May 9, 2023 with the removal of PO #36580. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Mr. Skellenger made a motion to approve PO #36580. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: Formica

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes for April 25, 2023. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution 2023-68

Mr. Limon made a motion to adopt resolution 2023-68 to authorize the award of a non-fair and open contract for hydrogeologic consulting services for the Department of Public Works in an amount not to exceed \$18,000. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Introduction of Ordinance 05-2023

Mr. Formica made a motion to introduce Ordinance 05-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND

MAYOR & COUNCIL MEETING MINUTES MAY 9, 2023

STATE OF NEW JERSEY MODIFYING CHAPTER 248 TOWING SERVICES".
Seconded by Mr. Skellenger.

PUBLIC HEARING WILL BE HELD ON MAY 23, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

National Association of Letter Carriers Proclamation

Mr. Formica made a motion to approve the 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, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Approval to Extend a Conditional Offer

Mr. Skellenger made a motion to approve extending a conditional offer to (1) one Police Officer candidate as recommended in the Police Chief's May 4, 2023 letter. (Letter of recommendation provided to Council via email). Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Approve Special Event Permit Application

Mrs. Heath made a motion to approve the special event permit for Franklin Mineral Museum to conduct a Rock Swap and Sell on July 29, 2023 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. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Discussion on 2023 Paving Projects

At this time the Governing Body held a discussion the 2023 Paving Projects.

Mr. Limon commented that he thought the way of action we were doing the sidewalks this year on Hemlock and paving Hemlock next year and asked if the parking lots were taken off the table due to the fact that we needed to find out where the property lines are.

Mrs. Tremont commented that it is not necessarily off the table. There was a meeting with Stefanie from Denis Keenan's office, myself, Brian, Councilman Postas and Jesse Bogart to go over the paving projects. What came about from that meeting were some concerns regarding the parking lot at the municipal building due to the property next door and with the municipal lot there were some issues with crevices and how to ingress and egress from the parking lot and how many parking spaces; that is why Stefanie provided us with three concept plans for us to look at because they wanted to know about landscaping. There are grading issues that need to be addressed and there also needs to be some investigating done to make sure that there are no mine shafts under the parking lot.

After some further discussion, Mr. Formica made a motion to pave, do the curbing and sidewalks on Hemlock Drive and to postpone the paving of the two Main Street municipal parking lots until next year. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: Heath

MAYOR & COUNCIL MEETING MINUTES MAY 9, 2023

Discussion on Summer Hours

Mr. Snyder commented that the personnel committee met and discussed a request for summer hours for the Municipal Building Employees.

Mrs. Tremont commented that there were two options however the personnel committee agreed that it would be best if we did offer summer hours it would consist of employees taking a half hour lunch Monday through Friday and on Fridays, employees would alternate leaving early at 1:30, leaving each department covered each day so that the Municipal Building remains open as usual to 4:00PM.

Mrs. Heath made a motion to approve the request for summer hours as described above. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Discussion on New Hire for Senior Center

Mrs. Tremont commented that she received an email from Anna, the supervisor at the Senior Center for the nutrition program. The nutrition program has become busier and if one person is out then they are down to one person.

After some further discussion, Mrs. Heath made a motion to hire another part time employee at nutrition site at minimum wage and authorize advertising for the position. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Corey Houghtaling, Franklin Fire Department Assistant Chief, updated on the Council on the gas leak that occurred on Wyker Road yesterday (May 8).

Mr. Formica asked that everyone look at the map of Main Street specifically at the end toward Rutherford Ave, we have Hudson Street and Lehigh Street. Mr. Formica asked if the council would be interested in changing the zoning to residential on that side of Main Street.

After some further discussion, Mr. Formica made a motion to get a recommendation from the Planning Board to change the zoning on Main Street from Hudson Street to Rutherford Avenue and include Block 609 Lot 18 and Block 607 Lot 11 to add first floor residential. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Snyder made a motion to adjourn the meeting at 7:54p.m., seconded by Mr. Skellenger. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk

Borough of Franklin, County of Sussex

Resolution #2023-69

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THROUGH NJ STATE CONTRACT A PURCHASE FOR A 2023 CHEVROLET TAHOE PPV FROM HERTRICH FLEET SERVICES

WHEREAS the Borough of Franklin may, by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services as per N.J.S.A. 40A:11-11, under the New Jersey State Contract #21-FLEET-01483; and

WHEREAS the Borough Police Department has the need on a timely basis to purchase goods and services utilizing the New Jersey State Contract, #21-FLEET-01483, duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7 et. Seq.; and

WHEREAS the Borough intends to enter into a contract for procurement of a 2023 Chevrolet Tahoe 4WD 4dr SSV from Hertrich Fleet Services, an authorized vendor under NJ State Contract #21-FLEET-01483; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount not to exceed \$45,960.00 are available in the Municipal Budget and

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

1. That the Police Department hereby is authorized to procure a 2023 Chevrolet Tahoe 4WD 4dr SSV from Hertrich Fleet Services, an authorized vendor under NJ State Contract #21-FLEET-01483.
2. That the Chief Financial Officer has certified the amount not to exceed \$45,960.00
3. That the Borough Clerk shall forward a certified copy of this Resolution to the following:
 - A. Chief Financial Officer
 - B. Purchasing Agent
 - C. Chief of Police
 - D. Hertrich Fleet Services
1427 Bay Road
Milford, DE 19963

CERTIFICATION: I, Darlene J. Tremont, Clerk of the Borough of Franklin, County of Sussex, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of Franklin at a meeting held on the 23rd day of May 2023.

Darlene J. Tremont, RMC/CMC
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 #2023-70

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN REGARDING TERMS OF COAH COMPLIANCE WITH THE REVISED DEVELOPER'S AGREEMENT

WHEREAS, developer's COAH requirements are set forth in the Revised Developers Agreement, dated July 21, 2020 for the property site at 16 Main Street, Franklin NJ 07416;

WHEREAS, the Revised Developers Agreement stipulates a requirement to fulfill two COAH units of 2 bedroom size, plus a payment of \$9000.00;

WHEREAS, the Borough Council will permit the two COAH units to be located off-site option with appropriate review and approval;

WHEREAS, the in the Revised Developer's Agreement the two COAH units must be provided before final Certificate of Occupancy certificates;

WHEREAS, Y&J Properties, LLC will guarantee complete fulfillment of its obligation of the COAH units with a cash deposit or appropriate bonding.

WHEREAS, Y&J Properties, LLC will designate and deed restrict two units to fulfill the COAH requirements of 16 Main Street or in another suitable building approved by the Borough of Franklin within 2 years of the date of this resolution.

WHEREAS, Y&J Properties, LLC will provide a cash escrow deposit or surety bond in a form acceptable to the Borough Attorney of \$125,000.00/for each 2 bedroom COAH unit for a total of \$250,000.00, plus the payment of the required \$9000.00 to ensure compliance with the COAH obligation.

NOW THEREFORE IT BE RESOLVED that Provided that the deposit has been made in cash or in the form of surety bond and all other development/building issues are addressed, the Building Department may issue a Certificate of Occupancy for units at 16 Main St.

CERTIFICATION: I, Darlene J. Tremont, Borough Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a meeting of said Governing Body held on May 23, 2023.

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 #2023-71

RESOLUTION AUTHORIZING THE BOROUGH OF FRANKLIN TO ENTER INTO A VENDOR AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS TO PARTICIPATE IN THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (“LIHWAP”)

WHEREAS, the New Jersey Department of Community Affairs (“DCA”) administers the Low-income Household Water Assistance Program (“LIHWAP”), a federally funded program that provides financial assistance to eligible low-income households to reduce the balances of their residential water and sewer bills; and

WHEREAS, residential water and sewer ratepayers must apply directly to DCA to determine their eligibility for LIHWAP assistance; and

WHEREAS, the DCA prohibits LIHWAP funds from being paid directly to eligible households, but instead requires that such funds be paid directly to water and sewer service providers on behalf of residential ratepayers, through vendor agreements established between the DCA and applicable water and sewer service providers.

NOW, THEREFORE, BE IT RESOLVED, that Mayor and Borough Council of the Borough of Franklin, County of Sussex, and State of New Jersey, authorize the Mayor and Borough Clerk to enter into a vendor contract agreement on behalf of the Borough of Franklin with the New Jersey Department of Community Affairs to administer the Low-Income Household Water Assistance Program.

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 23, 2023.

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 #2023-72

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING A REFUND OF A TAX OVERPAYMENT

WHEREAS, The State of New Jersey, sent tax payments which do not belong to Franklin Borough during the year 2023; and

WHEREAS, the amount received amounts to \$4,569.53; and

WHEREAS, the Tax Collector has authorized the CFO to refund this overpayment;

NOW THEREFORE IT BE RESOLVED that the sum of \$4,569.53 be returned to The State of New Jersey.

CERTIFICATION

I, **Darlene J. Tremont**, Municipal Clerk of the Borough of Franklin, County of Sussex, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey, at a regular meeting of said Council held on May 23, 2023.

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 #2023-73

**RESOLUTION RE: AUTHORIZATION FOR PARTICIPATION IN COUNTY OF SUSSEX
VOLUNTEER FIRE AND EMERGENCY MEDICAL SERVICES
GRANT PROGRAM FUNDED BY THE AMERICAN RESCUE PLAN
ACT'S (ARPA) CORONAVIRUS STATE AND LOCAL FISCAL
RECOVERY FUNDS (CSLFRF), ASSISTANCE LISTING #21.027**

WHEREAS, the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), Assistance Listing #21.027, was established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and tribal governments; and

WHEREAS, local governments are permitted to direct these CSLFRF dollars under eligible category 2.34 Negative Economic Impacts, Assistance to Impacted Non-Profit Organizations so that they may use the grant funds to recover from the economic impacts of COVID-19; and

WHEREAS, the County of Sussex has created a Volunteer Fire and Emergency Medical Services Grant Program, directing up to \$410,000.00 in total for the program; and

WHEREAS, distribution of this grant will use American Rescue Plan Act of 2021 (ARPA) funding, and as such has been determined to be included within one (1) of the four (4) statutory categories, and is compliant with 31 CFR Part 35; and

WHEREAS, the Board of County Commissioners approved Resolution 213-2023 authorizing the use of funds received under the American Rescue Plan Act for the Volunteer Fire and Emergency Medical Services Grant Program allowing up to \$10,000 per volunteer organization; and

WHEREAS, the County requests authorization by the municipality to participate in the grant program and requests identification of the Volunteer Fire Companies and Emergency Medical Service Organizations that serve each municipality

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin in the County of Sussex, State of New Jersey does hereby authorize participation in the Volunteer Fire and Emergency Medical Services Grant Program; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Franklin recognizes the following volunteer organizations that serve this municipality: Franklin Borough Fire Department and Wallkill Valley First Aid Squad; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the County CFO/Treasurer and the County Qualified Purchasing Agent.

Borough of Franklin, County of Sussex
Resolution #2023-73

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, County of Sussex, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey, at a regular meeting of said Council held on May 23, 2023.

Darlene J. Tremont, Municipal Clerk
Borough of Franklin
County of Sussex, New Jersey

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, County of Sussex

Resolution #2023-74

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN REGARDING POLICE DEPARTMENT PROMOTION

WHEREAS, there is a need to fill a sergeant position within the Franklin Borough Police Department;

WHEREAS, the Police Chief, Police Captain and the Public Safety Committee has conducted a promotional process for the open position of sergeant;

WHEREAS, the Public Safety Committee endorses the recommendation from Chief Cugliari to promote Officer David Schneider to the rank of sergeant effective July 1, 2023;

NOW THEREFORE IT BE RESOLVED that the Borough Council of the Borough of Franklin hereby approves the promotion of Officer Dave Schneider to the rank of sergeant effective July 1, 2023.

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 meeting of said Governing Body held on May 23, 2023.

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

ORDINANCE No. 05-2023

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 248 TOWING SERVICES

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.

Sections 248-1 through 248-18 are hereby deleted and replace in their entirety as follows:

§ 248- TOWING SERVICES.

§ 248-1. Establishment of Towing Contractors Rotational List.

1. Interested towing companies may submit information to provide towing services to the Franklin Borough Chief of Police for consideration. Each towing contractor must be able to meet the following conditions:

- a.** All towing contractors selected to serve on a rotational basis must guarantee the availability of all services to Franklin Borough seven days a week, 24 hours a day, including all holidays. In this respect, a towing contractor shall immediately respond to any type of towing emergency road service or storage call with the appropriate vehicle and/or equipment within 20 minutes after receipt of telephone notification from the Police Department's dispatcher or police officer. Unless heavy or unusual traffic conditions or inclement weather within the Borough prevent a towing operator from arriving at the scene within 20 minutes, failure to respond within the time frame shall be considered a default. In the event that a towing operator fails to respond within 20 minutes from the time of the call, the Police Department reserves the right to contact the next available towing operator on the rotational list and utilize its services.
- b.** Towing contractors must have appropriate personnel available to release a towed vehicle to its owner at a minimum of Monday through Friday, except holidays, from 8:00 a.m. to 5:00 p.m. subject to the appropriate authorization of the Franklin Borough Police Department.
- c.** All towing contractors must comply with all terms of this section, including the hold harmless and insurance requirements.
- d.** In times of emergencies and/or natural disasters, Franklin Borough reserves the right to contact other towing service operators who may not be on the rotational list.
- e.** The owner of a vehicle involved in an accident shall have the right, if he/she so desires, to designate a towing operator of his/her choice as long as public safety needs do not dictate otherwise.
- f.** Employees of the towing contractor, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.

g. A towing contractor shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.

2. Towing contractors shall agree to comply with the following requirements to be eligible for placement and inclusion on the towing contractors rotational list:

a. Once a towing contractor is approved for the rotational list, the approval shall not be assignable.

b. The towing contractor shall agree to provide upon request current lease agreements for any storage lot/facility used.

c. The Franklin Borough Police Department will have the right to perform a background check of the towing contractor owner(s), employees, and/or officers.

d. The drivers' license numbers, names, dates of birth of all towing contractor drivers; the registration numbers of the towing contractor's vehicles to be used, their descriptions and functioning mechanisms (i.e., rollback, heavy duty, light wrecker, etc.) and appropriate permits (i.e., special lights) shall be provided.

e. The towing contractor must be within legal traveling and response time of 20 minutes upon being dispatched by the Franklin Borough Police Department.

f. Towing contractors shall have at least three years of experience in the towing of vehicles.

g. It shall be the responsibility of all towing contractors to provide all motorists utilizing the towing operator's services with a written schedule of fees which lists in full all fees to be charged for towing, storage and road service within Franklin Borough. Towing contractors shall prepare an invoice for towing charges of each vehicle towed.

h. Records of towing contractors pertaining to towing vehicles within Franklin Borough shall be maintained and available upon request to the Franklin Borough Police Department for a period of four years.

i. Towing contractor covenants and agrees to comply with all federal laws, state laws and local ordinances governing operation of vehicles, towing of vehicles, and storage areas.

j. Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles and the like shall be referred to the Chief of Police for investigation.

3. Towing contractors must provide the Franklin Borough Police Department a detailed listing of the equipment to be utilized for towing services in Franklin Borough. The listing shall include the following information: Type of vehicle(s), storage location for vehicle(s), and whether vehicle(s) is owned or leased. All leased and rented equipment must be permanently located at the contractor's place of business or residence if in conformity with state law, federal law and local ordinances. Each piece of equipment must meet the minimum standards set forth herein. Equipment which does not meet these minimum standards shall not be used during the term of an agreement. The towing contractor will be solely responsible for the safety, maintenance and operation of each piece of equipment utilized or required during the term of an agreement.

4. The classification of towing vehicles is as follows:

a. Light-Duty Tow Truck - Used to tow and recover small light-duty vehicles up to 10,000 pounds.

b. Medium-Duty Tow Truck - Used to tow and recover small commercial type vehicles up to 26,000 pounds or light-duty vehicles unable to be recovered with light-duty tow truck or flatbed.

c. Heavy-Duty Tow Truck –

(i) Commercial manufactured truck with wrecker body.

(ii) Minimum GVWR 33,000 pounds.

(iii) Used to tow and recover commercial type vehicles over 33,000 pounds GVW or smaller vehicles unable to be recovered by other means.

d. Hydraulic Flatbed Car Carrier - Commercial motor vehicle designed exclusively to transport motor vehicles by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.

5. Towing companies shall also agree to the following requirements to be considered for inclusion on the towing contractors rotational list:

a. Towing contractors shall carry on or within each vehicle containers of Speedi-Dri or an acceptable absorbent substitute for spreading on and around spilled antifreeze or other automobile fluids at the scene to safeguard against slippery road conditions for police and first aid vehicles, passing vehicles and similar vehicles. The Speedi-Dri or an acceptable substitute will later be dissipated in accordance with hazardous waste disposal regulations. In the event that the towing contractor does not do so and the Borough has to undertake cleanup of the spill then it will bill the towing contractor for the costs associated with same.

b. Towing contractors shall be responsible for cleanup of all broken glass and debris at the scene of accidents or when called to a scene in accordance with N.J.S.A. 39:4-56.8. Each and every towing contractor vehicle will carry a broom and shovel.

c. Towing contractors must ensure that all of their authorized agents agree to follow the instructions and/or orders of the police officer from the Franklin Borough Police Department at towing scenes.

§ 248-2. Towing Contractors Rotational List Procedure.

It shall be the Chief of Police or his/her designee's responsibility to establish a towing contractors' rotating service list. The Police Department shall call the towing operators in sequential order as set forth by the Chief or his designee so that each towing operator will be given the opportunity to respond to individual calls as received by the Borough. The Police Department shall have the right to call the next towing contractor on the list should a towing contractor fail to respond to a call within 20 minutes or if the first operator called cannot be reached by telephone or advises that he/she is unable to respond. The towing contractor shall provide a valid and working afterhours contact number as well as any alternate numbers to be contacted.

§ 248-3. Denial, Suspension, and Revocation of Towing Contractor Hearings.

a. When a towing company is denied being added to the rotating list by Franklin Borough, the towing company may request a hearing by the service of a notice requesting a hearing. Said notice shall be served on the Franklin Borough Clerk and prior to at the next regularly scheduled meeting of the governing body after the action regarding the application. A hearing date shall be set which shall be no less than seven days or more than 30 days from the date that the governing body met.

b. Proceedings for the suspension or revocation of a towing company from the Borough rotating list shall be initiated by the service of a notice of charges proffered against the towing contractor. Said notice shall be served by the Chief of Police or his/her designee, either personally or via certified mail, return receipt requested, and shall contain a date, time and place for a hearing to be held by the governing body of Franklin Borough. Said hearing shall be scheduled no less than seven days nor more than 30 days after the notice of the proposed suspension or renovation shall be served upon the towing company. The towing company shall have the right to file an answer to the notice and to appear in person, or be represented by counsel, and give testimony at the place and time fixed for the hearing.

§ 248-4. Rates for Towing Services.

a. The rates of towing contractors within Franklin Borough shall be in compliance with those rates established by the Garden State Towing Association, www.gsta.org, and rates are subject to the following requirements:

1. The rates applicable to towing services performed under the guidelines of the State of New Jersey shall be posted in a conspicuous place, visible to the public, at the towing contractor's facilities.

2. Agencies engaged in towing for the Franklin Police Department shall not charge a fee in excess of the following enumerated rates:

b. Road Service:

Road Service	
Cars	\$150 per hour, plus parts
Trucks	\$200 per hour, plus parts

c. Basic Towing:

Basic Towing	
Light Duty, up to 10,000 lbs.	Hook-up \$155
Medium Duty, 10,001 - 16,000 lbs.	\$300 per hour
Heavy Duty, 16,001 lbs. and above	\$500 per hour
Decoupling Fee (if tow not performed)	1/2 of basic rate

d. On-Hook Mileage:

On-Hook Mileage	
Light Duty	\$7 per loaded miles
Medium Duty	N/A
Heavy Duty	N/A

e. Recovery/Winching (in addition to Towing per truck, including driver):

Recovery/Winching (in addition to Towing)	
Light/Medium, 10,001-16,000 lbs.	\$350 per hour, charged in 1/2 hour increments of \$175 per 1/2 hour
Heavy Duty, 16,001 lbs. and above	\$650 per hour

f. Specialized Recovery Equipment:

Specialized Recovery Equipment

Rotator/Crane Recovery Unit	\$1200 per hour
Tractor with Landoll Trailer or detached Trailer	\$500 per hour
Tractor/Transport Hauler Only	\$350 per hour
Refrigerated Trailer with Tractor	\$550 per hour
Box Trailer with Tractor	\$500 per hour
Air Cushion Unit	\$1,000 per hour
Light Tower	\$250 per hour
Pallet Jack	\$200 per hour
Rollers	\$200 per hour
Any other specialized equipment	\$300 per hour
Loader/Backhoe/Bulldozer/Bobcat/Telescopic	\$400 per hour
Forklift	\$400 per hour
Dump Truck/Dump Trailer with Tractor	\$400 per hour
Roll-Off with Container	\$400 per hour, plus disposal
Recovery Supervisory Vehicle	\$150 per hour
Scene Safety Equipment	\$250 per hour, each type used
Recovery Support Vehicle/Trailer	\$350 per hour

g. Labor: All labor charged a minimum of one hour.

Labor

Accidental minor clean-up and disposal of debris	\$75 per hour minimum, plus material used
Recovery Supervisor and/or Level III Recovery Specialist	\$250 per hour (limited to 1 charge per incident)
Certified Towing Operator	\$150 per hour, per person
Manual Laborers	\$125 per hour, per person

h. Storage: Per calendar day, inside rates 2x (two times) outside rates.

Storage

Cars/Light - 10ft x 20ft Space	\$50 per day
Trucks (dual wheels)/Single Axle	\$125 per day
Tractor/Dump Truck/Tractor and Trailer Combo	\$125 per unit, per day
Buses	\$150 per day
Roll-Off	\$125 per day
Cargo/Accident Debris/Load Storage/Vehicle Components 10ft x 20ft Space	\$50 per day

Storage

Rental of any Tow Company supplied Trailer, post incident | \$500 per day

i. Additional Services/Notes:

Additional Services

Fuel/Haz-Mat/Cargo Spills/Clean-up and Disposal	Time and Material
Haz-Mat and Trash Recovery	Surcharge 10%
Subcontractor Mark-up	20%
Administrative Charge (after 3rd visit)	\$50, cars only
Administrative Charge	\$200, medium/heavy truck
After-Hour Release	\$85
Notification Documentation Fee	\$75
Tarping/Wrapping Vehicle	\$90 per car, \$250 per truck
Fuel Surcharge	Reserved for future need

j. NOTES:

1. After the first hour, all hourly billable rates are to be charged in 1/2 hour increments.
2. Charges for all trucks/recovery equipment are inclusive of the operator. Towing contractors may not separately charge for an operator that drives/operates the truck/recovery equipment.

§ 248-5. Fees Due to Towing Contractors.

- a. The Franklin Borough Police Department will not be responsible for any charges due or owing to towing contractors except for the towing of Borough vehicles, nor will it assist the towing contractors in collecting any charges. Specifically, the Borough will not be responsible to reimburse towing contractors for towing services in connection with towing of vehicles which are abandoned or disabled, or from which towing contractors are unable to obtain towing service fees from vehicle owners.
- b. In cases where the Franklin Borough Police Department mistakenly directed that a vehicle be towed or has acted on incorrect information furnished by other official sources, the towing contractor may be reimbursed by Franklin Borough for minimum towing fees only.
- c. In the event the Police Department requires a vehicle involved in a crime or a fatal accident to be held for investigation, the Chief of Police may, after review of all the circumstances, require waiver of storage fees, or a portion thereof, incurred up to the date of release.

§ 248-6. Impound/Storage Areas.

- A. The towing contractors grant the Franklin Borough Police Department the right to inspect the proposed vehicle impound area at any time chosen by the Police Department without prior notice to or acceptance by the towing contractors.
- B. The Franklin Borough Police Department shall have access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.

C. The storage facility must be capable of storing a minimum of 10 automobiles and one tractor and trailer. There must be at least 800 square feet available to hold vehicles impounded by the Police Department.

D. The storage facility must be within the limits of the Borough or within a contiguous municipality so as to facilitate reasonable towing distances.

E. The storage facility must be fully enclosed by a sturdy fence having a minimum height of six feet with at least one lockable gate for ingress and egress.

F. The storage facility must be lighted from dusk until dawn.

G. The tow contractor is responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The tow contractor is liable for any damage to such vehicles while in transit or while stored at the storage facility.

§ 248-7. Conduct of Towing Contractors and Agents.

In all dealings with the public in connection with an agreement, representatives of the towing contractor are expected to act in a professional manner at all times and be courteous and respectful to members of the public. While members of the public, especially those whose vehicles may have been towed or impounded, may at times resort to strong language, threats or unbecoming behavior that may be directed to the representatives of the towing contractors, such towing contractor representatives are expected to exercise restraint and shall not respond in kind, thereby causing an unfavorable reflection on their business. If such instances occur, the Franklin Borough Police Department should be contacted to keep the peace and provide advice on legal proceedings, if requested.

§ 248-8. Rights of Vehicle Owners.

The owner of any vehicle towed shall have the right to remove personal property belonging to him from the stored vehicle unless a "police hold" is marked on the towing form upon mutual agreement of the towing contractor and the owner of the vehicle.

§ 248-9. Responsibility for Claims; Borough Held Harmless.

Towing contractors will indemnify and hold Franklin Borough harmless from any and all claims for personal injury or property damage against Franklin Borough arising out of the operation of any towing services or repair services performed under their respective agreements. Towing contractors will further defend Franklin Borough at the expense of the towing contractors in connection with any claim, demand, suit or action brought against the Borough and arising out of the operation of any towing, garage or repair services under any agreement. Said indemnification shall include but not be limited to the defense of all lawsuits relating to the towing of any vehicle by any party, the payment of any judgments relating thereto against the Borough, and the cost of the suit, including investigation costs.

§ 248-10. Insurance Requirements.

Each towing contractor shall provide proof of insurance to Franklin Borough as follows:

A. On all liability policies required of towing contractors, Franklin Borough shall be named as an additional insured, and insurance certificates shall indicate such coverage.

B. All insurance required shall contain a clause indicating that the Franklin Borough Police Department at 46 Main Street, Franklin, New Jersey shall be notified of any changes, cancellations, etc.

C. Towing contractors are required to purchase and maintain comprehensive general liability insurance, comprehensive automobile liability insurance, and worker's compensation insurance with limits of not less than those set forth below. Failure to provide and continue in force such insurance as required below shall be deemed a material breach of agreement and shall result in immediate termination of any agreement for towing services.

1. Comprehensive general liability insurance. The limits of liability shall be not less than \$1,000,000 for combined single limits (bodily injury and property damage) per occurrence and aggregate, including premises, operations and products/completed operations.

2. Automobile liability insurance. The limits of liability shall be not less than \$1,000,000 for combined single limits (bodily injury and property damage) per occurrence. Note: Liability insurance policies shall be specifically endorsed to provide collision insurance for vehicles in tow.

3. Worker's compensation insurance. Statutory coverage including liability coverage with a limit of at least \$500,000.

SECTION II

All references and fees in Chapter 119 relating to Chapter 248 and towing fees are deleted.

SECTION III

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

SECTION IV

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

BY: John M. Sowden IV, MAYOR

DATED: **May 23, 2023**

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 9, 2023, 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 23, 2023, 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 23rd day of May, 2023.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: May 9, 2023

Adopted: May 23, 2023

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

**BOROUGH OF FRANKLIN
ORDINANCE NUMBER 06-2023**

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$803,962 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$588,342 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS 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 the 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 aggregate sum of \$803,962, which sum is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$124,200 (the "Grant") and the amount of \$91,420 as the down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available 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 hereof and to meet the said \$803,962 appropriation not provided for by application hereunder of the Grant and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$588,342 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 \$588,342 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations 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>
<p>(i) Road Improvements – Improvements To Various Roadways In and Throughout the Borough Including, But Not Limited To, Kane Street, Premock Avenue and Taylor Road, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement Using Flexible Pavement As Defined Under The Local Bond Law And, Where Necessary, The Repairing And/Or Installation Of Associated Curbs, Curb Ramps, Sidewalks And Driveway Aprons, Resetting Utility Castings, Associated Drainage Work And Improvements, Roadway Painting, Landscaping And Aesthetic Improvements;</p>	\$190,040 (including the Grant)	\$0	\$65,840	20.00 years
<p>(ii) Various Roadway Improvements – Improvements To Various Roadways In and Throughout the Borough Including, But Not Limited To, Hillside Avenue, Mountain View Road, Brick Row, South Rutherford Avenue and Hemlock Drive, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement Using Flexible Pavement As Defined Under The Local Bond Law And, Where Necessary, The Repairing And/Or Installation Of Associated Curbs, Curb Ramps, Sidewalks And Driveway Aprons, Resetting Utility Castings, Associated Drainage Work And Improvements, Roadway Painting, Landscaping, Aesthetic Improvements and Traffic Control; And</p>	\$568,354	\$544,673	\$23,681	20.00 years
<p>(iii) Fire Department – Repaving of Fireman’s Park Helipad Overlay.</p>	\$45,568	\$43,669	\$1,899	10 years
TOTALS	<u>\$803,962</u>	<u>\$588,342</u>	<u>\$91,420</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$588,342.

(c) The aggregate estimated cost of said improvements or purposes is \$803,962, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$124,200 and the down payment available for said purposes in the amount of \$91,420.

(d) 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 also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Sussex 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 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 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 of the Borough 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 N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a 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, 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 and 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, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Borough and is available for public inspection.

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, 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 purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 19.25 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, Department of Community Affairs, State of New Jersey, 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 \$588,342 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$160,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before 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 obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations 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 bond ordinance.

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

ADOPTED ON FIRST READING
DATED: May 23, 2023

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

ADOPTED ON SECOND READING
DATED: June 13, 2023

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2023.

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

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)						