

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 28, 2024

- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 7, 2024, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
There are no presentations this evening.
- E. **COMMITTEE REPORTS: Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.
- Mayor Sowden** will offer the Mayor's Report.
- F. **OPEN PUBLIC SESSION: Mayor Sowden** will request a motion to open the meeting to the public, for any questions or comments concerning the good and welfare of the Borough. **All comments should be directed to the Mayor and kept to a 3-minute maximum per person.**
- After giving all persons present an opportunity to address the Governing Body, **Mayor Sowden** will request a motion to close the meeting to the public and return to the regular order of business.
- G. **CONSENT AGENDA: Mayor Sowden** will request that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made, at this time.
- After all persons have had an opportunity to review the consent agenda and offer requests for changes, Mayor Sowden will request a motion to approve the consent agenda.
- H. **OLD BUSINESS:**
- I. **NEW BUSINESS:**
1. **Approval of the Minutes** for the regular meeting minutes for May 14, 2024. (Absent: Postas)
 2. **Resolution 2024-60** authorizing a disabled veteran exemption on Block 1101 Lot 14 Qual C0104.
 3. **Resolution 2024-61** awarding contract for resurfacing of Edmonds Lane, Hemlock Drive and Fireman's Park Helipad through the Morris County Co-op.
 4. **Adoption of Ordinance 08-2024** entitled "CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY AND

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 28, 2024

APPROPRIATING \$20,000 THEREFOR FROM THE CAPITAL RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR THE COST THEREOF.”

Prior to final roll call Mayor Sowden will request a motion to open to the meeting to the public for Ordinance 08-2024.

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

Prior to final roll call Mayor Sowden will request a motion to open to the meeting to the public for Ordinance 09-2024.

6. Introduction of Ordinance 10-2024 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 119-4, GENERAL FEES.”

Mayor Sowden will announce that the public hearing will be held on June 11, 2024.

7. Introduction of Ordinance 11-2024 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING THE “120 NJSH ROUTE 23” REDEVELOPMENT PLAN PREPARED BY J. CALDWELL ASSOCIATES DATED NOVEMBER 25, 2023.

Mayor Sowden will announce that the public hearing will be held on June 11, 2024.

8. Introduction of Ordinance 12-2024 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING THE “ZINC MINE” REDEVELOPMENT PLAN PREPARED BY J. CALDWELL & ASSOCIATES DATED MARCH 11, 2024.”

Mayor Sowden will announce that the public hearing will be held on June 11, 2024.

9. Approve Special Event Permit Application - for Franklin Mineral Museum to conduct a Rock Swap and Sell on July 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.

10. Mayoral Appointment

Mayor Sowden will make the following appointment.

Crystal Talmadge – Recreation Committee Member to a 3-yr. term ending 12/31/2025. As recommended by the Recreation Committee.

J. EXECUTIVE SESSION – IF REQUESTED

Mayor Sowden will request a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES,

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 28, 2024

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 14, 2024**

Mayor Sowden called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Formica, Mrs. Heath, Mr. Limon, Mr. Skellenger, Mr. Snyder and Mayor Sowden.

Absent: Mr. Postas

Mayor Sowden led the assembly in the flag salute.

Mayor Sowden stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall and printed in the New Jersey Herald/Sunday New Jersey Herald on January 7, 2024, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

There were no presentations for tonight's meeting.

COMMITTEE REPORTS

Mrs. Heath had nothing to report.

Mr. Skellenger commented that the real estate property list is being compiled.

Mr. Formica commented that the entrances and exits at Paddock Park and the gazebo area will be looked at for updates next year.

Mr. Limon commented that the ordinance subcommittee meeting was last week. There will be a personnel meeting scheduled for this Friday, May 17th. Yesterday we had a public works/buildings and grounds meeting. We are waiting for pricing on the pump for the pond. Next year we hope to complete the paving and sidewalks for Master, Warren and Green Streets. This year's paving schedule has been finalized. The netting at the baseball field that catches foul balls needs to be restrung. There are some lights that are out that need to be fixed with the use of a bucket truck. We also discussed SCMUA fees.

Mr. Snyder had nothing to report.

Mrs. Tremont commented that the flood damage prevention ordinance needs to be updated. The municipal parking lot will be closed on Wednesday, May 22, 2024 to allow for the survey work to be done that is needed to be able to pave the lot.

Mr. Ursin had nothing to report.

Mayor Sowden commented that the bid process for the roof and power washing of the Municipal Building needs to be started.

Mr. Ursin commented that the engineer needs to start the bid packet and the QPA can help in doing an RFP.

Mayor Sowden commented that JCP&L gave a proposal in the amount of \$16,178 on relocating the pole in front of Borough Hall. We are waiting for Brightspeed to give a price to relocate the phone lines. Planet Networks equipment relocation is no charge.

OPEN PUBLIC SESSION

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

Mr. Ward Dunnican stepped forward. Mr. Dunnican commented on the school bus situation. Has any movement on a solution to getting an ordinance change to correct the problem.

MAYOR & COUNCIL MEETING MINUTES MAY 14, 2024

Mr. Snyder asked if a letter can be sent to Clark's Bus Co. to request the bus be moved on weekends.

Ms. Dawne Rowe stepped forward. Ms. Rowe commented on the car backfires at 4:30am on Munsonhurst Road, asking can something be done. Ms. Rowe requested that OPRA reform resolution be tabled and asked to have a 2nd public session at the end of meeting.

Mr. Carl Platvoet stepped forward. Mr. Platvoet commented that a white truck pulls in to the property next to him at 4:30am and lets the vehicle run. The police were called to address the issue and the police are not addressing the issue at hand of the idling vehicle.

Ms. Eve Soares stepped forward. Ms. Soares commented that she was surprised to hear that there is a possibility of a 500-unit development being constructed. Ms. Soares asked what the process is if this project moves forward. Mayor Sowden commented that a 200 foot list letter will be sent by the developer announcing the public hearing.

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

Mayor Sowden requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. County of Sussex resolution in support of NJ Assembly Bill A4102 which allows boards of county commissioners to remove commissioners who miss three consecutive meetings without an excused absence.
2. Final Equalization Table for the County of Sussex for the year 2024.
3. Hearing notice for variance requests for the Franklin Planning Board from RC Captoni LLC for property located at 384 Rutherford Avenue.
4. Township of Hampton Resolution requesting that First Energy rapidly increase internal funding for JCP&L to quickly rectify long delayed, yet necessary, modernization upgrades to its electrical distribution grid.
5. Franklin Band Spring Concert flyer.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report – April 2024
2. Permit List – April 2024
3. COH Report – April 2024
4. Municipal Court Report – April 2024
5. DPW Report – April 1 – April 5
6. DPW Report – April 8 – April 12

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application to operate a Tattoo Parlor in the Borough of Franklin located at 418 Rte. 23N, trade name Moonlight Tattoo LLC.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 14, 2024.

Mr. Skellenger made a motion to approve the consent agenda of May 14, 2024 with the removal of PO #37997. Seconded by Mrs. Heath.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Mrs. Heath made a motion to approve PO #37977. Second by Mr. Formica.

MAYOR & COUNCIL MEETING MINUTES MAY 14, 2024

Upon roll call vote:

Ayes: Formica, Heath, Limon, Snyder

Nays: None Absent: Postas Abstentions: Skellenger

OLD BUSINESS

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

NEW BUSINESS

Approval of the Minutes

Mrs. Heath made a motion to approve the regular meeting minutes for April 23, 2024. (Absent: None) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution #2024-55

Mr. Limon made a motion to adopt resolution 2024-55 authorizing a disabled veteran exemption on Block 1403 Lot 1. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution #2024-56

Mr. Limon made a motion to adopt resolution 2024-56 authorizing a disabled veteran exemption on Block 608 Lot 1. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution #2024-57

Mr. Snyder made a motion to adopt resolution 2024-57 authorizing a grant application to the New Jersey Department of Transportation for the Master Street, Warren Street and Green Street project. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution #2024-58

Mr. Limon made a motion to adopt resolution 2024-58 authorizing the hiring of a seasonal laborer for maintenance in the Department of Public Works. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Resolution #2024-59

Mr. Limon made a motion to adopt resolution 2024-59 calling for the modernization of the open public records act (OPRA) and the swift passage of S-2930/A-4045.

Motion failed as there was no second.

Adoption of Ordinance 07-2024

Mr. Formica made a motion to adopt ordinance 07-2024 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS 2024 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$1,413,021 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND

MAYOR & COUNCIL MEETING MINUTES MAY 14, 2024

AUTHORIZING THE ISSUANCE OF \$1,168,173 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.” Seconded by Mr. Skellenger.

Prior to final roll call Mayor Sowden requested a motion to open to the meeting to the public for Ordinance 07-2024. Mr. Skellenger made a motion to open the meeting to the public for Ordinance 07-2024. Seconded by Mr. Snyder. All were in favor.

There being no one present who wished to address the governing body, Mr. Skellenger made a motion to close the meeting to the public for Ordinance 07-2024, seconded by Mr. Snyder. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Introduction of Ordinance 08-2024

Mr. Skellenger made a motion to introduce ordinance 08-2024 entitled “CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY AND APPROPRIATING \$20,000 THEREFOR FROM THE CAPITAL RESERVE FOR IMPROVEMENTS TO MUNICIPAL PROPERTY FOR THE COST THEREOF.” Seconded by Mrs. Heath.

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

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Introduction of Ordinance 09-2024

Mr. Snyder made a motion to introduce ordinance 09-2024 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY CREATING CHAPTER 245, TREES.” Seconded by Mrs. Heath.

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

Upon roll call vote:

Ayes: Formica, Heath, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: Limon

Peddlers Permit Application

Mrs. Heath made a motion to approve the peddler permit application submitted by Carol Zofrea for the sale of ice cream. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Public Employer Trust Agreement

Mr. Formica made a motion to approve the Public Employer Trust Agreement between the Borough of Franklin and Brown and Brown, Benefit Advisors for Horizon Healthcare Dental for the period of July 1, 2024 to June 30, 2025, at no increase in premiums, addendum with coverage cost election attached. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

MAYOR & COUNCIL MEETING MINUTES MAY 14, 2024

(Campy's) Blue Star Amusements Agreement

Mrs. Heath made a motion to approve the agreement for the amusement rides and related services at the Franklin Carnival on August 28, 2024 thru September 1, 2024. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Mayoral Appointments

Mayor Sowden made the following appointments:

Crossing Guard Status Changes

Substitute Crossing Guard to Permanent Crossing Guard:

John Panso Jacquelyn Kimmel

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

Mr. Formica made a motion to confirm the Mayor's appointments. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Water/Sewer Connection Application

Mr. Limon made a motion to approve the application submitted by Scott Zotollo for an additional 2 EDU's 4-family residential dwelling at 453 Route 23, contingent upon receipt of all associated connection fees. Seconded by Mr. Snyder.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Discussion on Local Freight Impact Fund Grant

Mr. Formica commented that in order to apply for the grant we needed a traffic study done. We realized that our police department had a study done a year or two ago, but it has to be redone. The state requires it to be done from Monday to Monday. This is to help us try to obtain a grant for Corkhill Road.

The council agrees to move forward with engineering to start the grant process.

Discussion on proposal for Professional Consulting services for downhole video logging and pumping test and reporting for Scott Road wells.

Mayor Sowden commented that we are attempting to see how some preexisting wells were done approximately 30 years ago.

Mr. Formica commented this is to receive a report on what we have currently and the price included to find out the volume and to see the depths. The price does not include the water sampling.

Mr. Formica made a motion to approve the proposal from UHL and Associates in the amount of \$29,771 for Scott Road Wells. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: Postas Abstentions: None

Discussion on sidewalk projects and Main Street parking lot.

Mayor Sowden commented that the engineer had sent numbers to redo the sidewalks going from Main Street, down Junction Street to Catlin Road.

MAYOR & COUNCIL MEETING MINUTES MAY 14, 2024

It was the consensus of the council to have the engineer start the bid process for the sidewalk replacement.

Mayor Sowden commented we started on the engineering work at the municipal parking lot; we may still need to do core sampling.

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

Mr. Skellenger asked Mr. Ursin to draft a letter for the property across from Brick and Brew. A letter will be provided at a future meeting.

Mayor Sowden commented that Josh from Rails to Trails is starting to work on the trails.

Mr. Snyder asked if there is an Italian restaurant going in the building where Chelsea's Closet was.

Mr. Formica commented that a UPS store is coming next to T-Mobile and there might be someone taking over the Burger King.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mrs. Heath made a motion to adjourn the meeting at 8:06p.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 #2024-60

RESOLUTION AUTHORIZING A DISABLED VETERAN EXEMPTION ON BLOCK 1101 LOT 14 QUAL C0104

WHEREAS, The Department of Veteran Affairs determined that Thomas Santarpia at 6 Constitution Way, Block 1101 Lot 14 Qual C0104 had a service connected disability that was totally disabling effective December 7, 2022.

WHEREAS, the Tax Assessor has received a Claim for property tax exemption on dwelling house of Disabled Veteran, which was approved by the Tax Assessor on May 15, 2024.

WHEREAS, as per N.J.S.A.54: 4-3.30et seq, Mr. Santarpia is entitled to a tax exemption on his property located at 6 Constitution Way from March 14, 2024, the date of application.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Tax Collector is authorized to cancel taxes billed from March 14, 2024 to June 30, 2024 in the amount of \$1,651.48.
2. The Tax Collector is authorized to cancel taxes billed from July 1, 2024 to December 31, 2024 at the time of billing.
3. This property will be marked as exempt in the 2025 tax list.

This Resolution shall take effect immediately.

~~~~~

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor & Council of the Borough of Franklin, in the County of Sussex, New Jersey, at a meeting held on May 28, 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 #2024-61

### AWARDING CONTRACT FOR RESURFACING OF EDMONDS LANE, HEMLOCK DRIVE AND FIREMAN’S PARK HELIPAD THROUGH THE MORRIS COUNTY CO-OP

**WHEREAS** funds are available to resurface , Edmonds Lane, Fireman’s Park Helipad and Hemlock Drive; and

**WHEREAS**, to accomplish the resurfacing, the Borough of Franklin will utilize Morris County Cooperative Bid Contract #6 & Contract #36, (District #2) which exceeds the prevailing bid threshold:

VENDOR: Riverview Paving, Inc, 859 Willow Grove Street, Hackettstown, New Jersey 07840

COST: Not to Exceed \$120,000.00

VENDOR: Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey 07866

COST: Not to Exceed \$400.00

**WHEREAS**, the Chief Financial Officer has certified the availability of funds pursuant to N.J.A.C. 5:30-5.4.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Riverview Paving of Hackettstown, New Jersey, not to exceed \$120,000.00 for road resurfacing of resurface Edmonds Lane, Fireman’s Park Helipad and Hemlock Drive.

**BE FURTHER RESOLVED** that the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Denville Line Painting, Inc. of Rockaway, New Jersey, not to exceed \$400.00 for the traffic painting on Fireman’s Park Helipad.

**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 of said Governing Body held at 7:00PM on May 28, 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  
ORDINANCE NUMBER 08-2024**

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

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

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

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

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

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

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

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on May 14, 2024, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on May 28, 2024 at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

---

Darlene J. Tremont  
Municipal Clerk

ADOPTED ON FIRST READING  
 DATED: May 14, 2024

---

DARLENE J. TREMONT,  
 Clerk of the Borough of Franklin

ADOPTED ON SECOND READING  
 DATED: May 28, 2024

---

DARLENE J. TREMONT,  
 Clerk of the Borough of Franklin

APPROVAL BY THE MAYOR ON THIS 28<sup>th</sup> DAY OF May, 2024.

---

JOHN M. SOWDEN, IV, Mayor

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

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

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

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

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

**SECTION I.**

Chapter 245, Trees is hereby created as follows:

§ 245-1. Purpose.

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

§ 245-2. Definitions.

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

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

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

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

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

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

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

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

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

#### § 245-3 Tree Replacement Requirements

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

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

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

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

§ 245-5 Enforcement:

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

§ 245-6 Violations and Penalties:

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

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

**SECTION III.** This Ordinance shall take effect immediately upon (1) adoption; and (2) publication in accordance with the laws of the State of New Jersey.

ATTEST:

**BOROUGH OF FRANKLIN**

\_\_\_\_\_  
Darlene J. Tremont, CLERK

\_\_\_\_\_  
BY: John M. Sowden IV, MAYOR

DATED: May 28, 2024

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on May 14, 2024, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on May 28, 2024, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main



Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

---

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 28<sup>th</sup> day of May, 2024.

---

Darlene J. Tremont, Clerk  
Borough of Franklin

---

John M. Sowden IV, Mayor

Introduced: May 14, 2024

Adopted: May 28, 2024

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

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

**BOROUGH OF FRANKLIN  
ORDINANCE NO. 10-2024**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AMENDING SECTION 119-4, GENERAL FEES**

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

**SECTION I.**

Chapter 176, Mobile Homes, is amended to update the following fees:

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| § 176-13(D)2 | Mobile home municipal service fee, per month<br>The municipal service fee is comprised of the following:<br>Solid waste disposal, \$18.09, and other municipal services, \$48.19.<br>[NOTE: The previously included sewer service charges (\$55.67)<br>have been removed from the municipal service fee and are billed to<br>and are directly payable by the park owner and constitute a lien<br>pursuant to N.J.S.A. 40A:26A-12.] | \$66.28 |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

**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 IV**

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

ATTEST:

**BOROUGH OF FRANKLIN**

\_\_\_\_\_  
Darlene J. Tremont, CLERK

\_\_\_\_\_  
BY: John Sowden, MAYOR

DATED:

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on May 28, 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 June 11, 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<br>COUNCIL PRESIDENT     |      |       |         |        |      |     |
| JOSEPH LIMON                          |      |       |         |        |      |     |
| JOHN POSTAS                           |      |       |         |        |      |     |
| STEPHEN SKELLENGER                    |      |       |         |        |      |     |
| GILBERT SNYDER                        |      |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)        |      |       |         |        |      |     |

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

**ORDINANCE NO. 11-2024**

**ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
ADOPTING THE “120 NJSH ROUTE 23”  
REDEVELOPMENT PLAN PREPARED BY J. CALDWELL  
ASSOCIATES DATED NOVEMBER 25, 2023**

**WHEREAS**, the Governing Body of the Borough of Franklin (“Governing Body”) by Resolution 2016-19 authorized the Borough Land Use Board (“Board”) to undertake a preliminary investigation to determine whether the area commonly known as the “120 NJSH Route 23” is an “area in need of redevelopment” as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”); and

**WHEREAS**, at the conclusion of its investigation and following notice and a public hearing, the Board recommended that the area be designated by the Governing Body as an area in need of redevelopment (“120 NJSH Route 23 Redevelopment Area”); and

**WHEREAS**, the 120 NJSH Route 23 Redevelopment Area is defined as those properties known as Block 1601, Lot 5; and

**WHEREAS**, pursuant to the recommendations of the Board and, in accordance with the provisions of the LRHL, the Governing Body adopted Resolution 2024-35 designating the 120 NJSH Route 23 Redevelopment Area as an area in need of redevelopment; and

**WHEREAS**, in furtherance of redeveloping the 120 NJSH Route 23 Redevelopment Area, the Governing Body authorized and directed J. Caldwell & Associates to prepare a redevelopment plan for the 120 NJSH Route 23 Redevelopment Area; and

**WHEREAS**, in November of 2023, J. Caldwell & Associates completed its redevelopment plan entitled “120 NJSH Route 23 Redevelopment Plan” (“Redevelopment Plan”) and submitted it to the Governing Body for review and consideration; and

**WHEREAS**, if approved, the Redevelopment Plan will supersede the existing zoning and land development regulations for the “120 NJSH Route 23 Area”; and

**WHEREAS**, on in the Fall of 2023, the Governing Body submitted the Redevelopment Plan to the Board for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7; and

**WHEREAS**, on May 22, 2024 the Land Use Board transmitted to the Governing Body its report recommending that the Governing Body adopt the Redevelopment Plan, as submitted, with no additional comments or recommendations; and

**WHEREAS**, the Governing Body has reviewed the report of the Board and hereby determines that the Redevelopment Plan is necessary and appropriate; is in compliance with the

dictates of the LRHL; and will result in the successful redevelopment of the “120 NJSH Route 23 Site”, which has been declared to be an area in need of redevelopment.

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

**Section 1.** Pursuant to N.J.S.A. 40A:12A-7, the Borough hereby adopts and approves the 120 NJSH Route 23 Redevelopment Plan dated November 25, 2023 prepared by the J. Caldwell & Associates, a copy of which is attached hereto and hereby made a part of this Ordinance; and

**Section 2.** The Borough hereby directs that the 120 NJSH Route 23 Redevelopment Plan be filed with the Borough Clerk; and

**Section 3.** Pursuant to N.J.S.A. 40A:12A-4(c), the Borough is, and hereby shall be, designated the redevelopment entity with all of the authority, rights, duties, and powers accorded to a redevelopment entity as set forth in N.J.S.A. 40A:12A-8; and

**Section 4.** The 120 NJSH Route 23 Redevelopment Plan shall supersede the existing zoning and land development regulations for Block 1601 Lot 5; and

**Section 5.** Pursuant to N.J.S.A. 40A:12A-7(c), the Borough’s Zoning Map is hereby amended to identify the 120 NJSH Route 23 Area and the properties described in Section 4 above, in the manner depicted in the 120 NJSH Route 23 Redevelopment Plan; and

**Section 6.** If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof; and

**Section 7.** This Ordinance shall take effect upon the final passage and publication pursuant to Law.

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

ATTEST:

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

**NOTICE**

**TAKE NOTICE** that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on May 28, 2024 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on June 11, 2024 at 7:00 p.m. in the Municipal Building, located at 46 Main Street, Franklin, New Jersey.

\_\_\_\_\_  
Darlene J. Tremont, Borough 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<br>COUNCIL PRESIDENT     |      |       |         |        |      |     |
| JOSEPH LIMON                          |      |       |         |        |      |     |
| JOHN POSTAS                           |      |       |         |        |      |     |
| STEPHEN SKELLENGER                    |      |       |         |        |      |     |
| GILBERT SNYDER                        |      |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)        |      |       |         |        |      |     |

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

**ORDINANCE NO. 12-2024**

**ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
ADOPTING THE “ZINC MINE” REDEVELOPMENT PLAN  
PREPARED BY J. CALDWELL & ASSOCIATES DATED  
MARCH 11, 2024**

**WHEREAS**, the Governing Body of the Borough of Franklin (“Governing Body”) by Resolution-- authorized the Borough Land Use Board (“Board”) to undertake a preliminary investigation to determine whether the area commonly known as the “Zinc Mine” is an “area in need of redevelopment” as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”); and

**WHEREAS**, at the conclusion of its investigation and following notice and a public hearing, the Board recommended that the area be designated by the Governing Body as an area in need of redevelopment (“Zinc Mine Redevelopment Area”); and

**WHEREAS**, the Zinc Mine Redevelopment Area is defined as those properties known as Block 904, Lots 1.01, 1.02, and 1.03; and

**WHEREAS**, pursuant to the recommendations of the Board and, in accordance with the provisions of the LRHL, the Governing Body adopted Resolution 2024-36 designating the Zinc Mine Redevelopment Area as an area in need of redevelopment; and

**WHEREAS**, in furtherance of redeveloping the Zinc Mine Redevelopment Area, the Governing Body authorized and directed J. Caldwell & Associates to prepare a redevelopment plan for the Zinc Mine Redevelopment Area; and

**WHEREAS**, in March of 2024, J. Caldwell & Associates completed its redevelopment plan entitled “Zinc Mine Redevelopment Plan” (“Redevelopment Plan”) and submitted it to the Governing Body for review and consideration; and

**WHEREAS**, if approved, the Redevelopment Plan will supersede the existing zoning and land development regulations for the “Zinc Mine Area”; and

**WHEREAS**, on in the March of 2024, the Governing Body submitted the Redevelopment Plan to the Board for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7; and

**WHEREAS**, on May 22, 2024 the Land Use Board transmitted to the Governing Body its report recommending that the Governing Body adopt the Redevelopment Plan, as submitted, with no additional comments or recommendations; and

**WHEREAS**, the Governing Body has reviewed the report of the Board and hereby determines that the Redevelopment Plan is necessary and appropriate; is in compliance with the

dictates of the LRHL; and will result in the successful redevelopment of the “Zinc Mine Area”, which has been declared to be an area in need of redevelopment.

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

**Section 1.** Pursuant to N.J.S.A. 40A:12A-7, the Borough hereby adopts and approves the Zinc Mine Redevelopment Plan dated March 11, 2024 prepared by the J. Campbell & Associates, a copy of which is attached hereto and hereby made a part of this Ordinance; and

**Section 2.** The Borough hereby directs that the Zinc Mine Redevelopment Plan be filed with the Borough Clerk; and

**Section 3.** Pursuant to N.J.S.A. 40A:12A-4(c), the Borough is, and hereby shall be, designated the redevelopment entity with all of the authority, rights, duties, and powers accorded to a redevelopment entity as set forth in N.J.S.A. 40A:12A-8; and

**Section 4.** The Zinc Mine Redevelopment Plan shall supersede the existing zoning and land development regulations for Block 904 Lots 1.01, 1.02, and 1.03; and

**Section 5.** Pursuant to N.J.S.A. 40A:12A-7(c), the Borough’s Zoning Map is hereby amended to identify the Zinc Mine and the properties described in Section 4 above, in the manner depicted in the Zinc Mine Redevelopment Plan; and

**Section 6.** If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof; and

**Section 7.** This Ordinance shall take effect upon the final passage and publication pursuant to Law.

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

ATTEST:

\_\_\_\_\_  
Darlene Tremont, Borough Clerk



**NOTICE**

**TAKE NOTICE** that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on May 28, 2024 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on June 11, 2024 at 7:00 p.m. in the Municipal Building, located at 46 Main Street, Franklin, New Jersey.

\_\_\_\_\_  
Darlene J. Tremont, Borough 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<br>COUNCIL PRESIDENT     |      |       |         |        |      |     |
| JOSEPH LIMON                          |      |       |         |        |      |     |
| JOHN POSTAS                           |      |       |         |        |      |     |
| STEPHEN SKELLENGER                    |      |       |         |        |      |     |
| GILBERT SNYDER                        |      |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)        |      |       |         |        |      |     |

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