

**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**  
**MARCH 8, 2022**

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- 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, 2022, 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**

A motion is in order to approve the regular meeting minutes for February 22, 2022. (Absent: None) (*motion needed*)

**Resolution #2022-35** to introduce the CY2022 Municipal Budget for the Borough of Franklin. (*motion needed*)

**Public Hearing: April 12, 2022.**

2. **Resolution #2022-36** to authorize hiring Zachary LaGrave as new police officer. (*motion needed*)
3. **Resolution #2022-37** to authorize the salary adjustment for Michelle Babcock, Planning Board/Zoning Secretary. (*motion needed*)

**REGULAR AGENDA – MAYOR AND COUNCIL MEETING MARCH 8, 2022**

4. Resolution #2022-38 to authorize the Tax Collector to refund Donis Wood for a property tax overpayment credit in the amount of \$1,901.68. *(motion needed)*
5. Resolution #2022-39 to approve to support urging the swift passage of S-330 which restores energy tax receipts. *(motion needed)*
6. Adoption of Ordinance #03-2022 entitled “A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE APPROPRIATION OF CAPITAL FUNDS FOR THE CUTTER ASSEMBLIES AT THE RT. 23 SOUTH AND MAPLE ROAD SEWER PUMPING STATIONS”.*(motion needed)*

**Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 03-2022.**

7. Proclamation to proclaim support of bill S-1727 designating “Franklinite” as the official mineral of the State of New Jersey. *(motion needed)*
8. Mayoral Appointment  
Mayor Sowden will make the following appointment.

**Historic Preservation Commission**

William Truan                      Advisor    (1-yr. term)                      expires 12/31/2022  
*(motion to confirm needed)*

9. (Campy’s) Blue Star Amusements Agreement for the amusement rides and related services at the Franklin Carnival on May 25, 2022 thru May 29, 2022. *(motion needed)*
10. Discussion of approval for a Girl Scout overnight event at the Franklin Pond to be held on May 14, 2022 overnight to May 15, 2022.

J. EXECUTIVE SESSION – IF REQUESTED

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

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

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

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK’S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

- K. MISCELLANEOUS COMMENTS: **Mayor Sowden** will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.

- L. ADJOURNMENT: **Mayor Sowden** will request a motion to adjourn the meeting.

# Borough of Franklin, County of Sussex

## Resolution #2022-35

### RESOLUTION OF THE GOVERNING BODY INTRODUCE 2022CY BUDGET

BE IT RESOLVED that the Local Municipal budget of the Borough of Franklin, County of Sussex, New Jersey for the calendar year 2022 be approved by the Mayor and Council of the Borough of Franklin, and the Clerk is hereby instructed to advertise in the New Jersey Herald on April 1, 2022, and that a final public hearing before passage will be held on April 12, 2022, at 7:00 P.M. at Borough Hall, 46 Main Street, Franklin and via a virtual meeting through a system called ZOOM and that said budget shall authorize total general appropriations of \$7,507,602.00 and the anticipated revenues of \$2,421,151.00 leaving an amount to be raised by taxes for municipal purposes of \$5,086,451.00. The Water/Sewer 2022 Budget consists of appropriations of \$2,595,561.00, and anticipated revenues of \$2,595,561.00.

**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 regular meeting of said Governing Body held on March 8, 2021.

\_\_\_\_\_  
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 #2022-36

### RESOLUTION OF THE GOVERNING BODY AUTHORIZING TO HIRE ZACHARY LAGRAVE AS A NEW POLICE OFFICER

**WHEREAS**, the Borough Council has recently authorized a conditional offer of employment to hire a new Police Officer in the Franklin Borough Police Department; and

**WHEREAS**, Police Chief Cugliari informed the Borough Council the conditional offer of employment was accepted by Zachary LaGrave and he has successfully passed all required testing and completed all phases of the selection process; and

**WHEREAS**, Zachary LaGrave will be paid at Step 1, \$45,722.00 per year, in accordance with the PBA Memorandum of Understanding; and

**WHEREAS**, Zachary LaGrave will be formally sworn in at the next Mayor and Council meeting to be held on March 22, 2022.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey that Zachary LaGrave is hereby hired as Patrolman in the Franklin Borough Police Department effective March 16, 2022 and will be formally sworn in on March 22, 2022.

**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 March 8, 2022.

\_\_\_\_\_  
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 #2022-37

### RESOLUTION OF THE GOVERNING BODY AUTHORIZING A SALARY ADJUSTMENT FOR MICHELLE BABCOCK PLANNING BOARD/ZONING SECRETARY

**WHEREAS**, Franklin Borough is a municipal employer with part time and full time staff; and

**WHEREAS**, the salary ranges for Franklin Borough employees have been established by Ordinance 14-2021 adopted on December 14, 2021; and

**WHEREAS**, the Governing Body of the Borough of Franklin appointed Michelle Babcock as Planning Board/Zoning Secretary on August 4, 2021, by Franklin Borough Resolution 2021-76; and

**WHEREAS**, Michelle Babcock has shown great initiative in the handling of her responsibilities as Planning Board Board/Zoning Secretary; and

**WHEREAS**, Michelle Babcock has now obtained her Land Use Secretary certification by completing the required classes and successfully passing all the necessary exams; and

**WHEREAS**, the Personnel Committee has reviewed the salary adjustment request from Michelle Babcock and recommends to the Governing Body a salary adjustment in the total amount of \$40,000.00 annually, effective March 16, 2022.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Franklin authorizes a salary adjustment for Michelle Babcock, at the new rate in the amount of \$40,000.00 annually, effective March 16, 2022.

**AS REQUIRED** by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ, I, Andrew Bernath, Chief Financial Officer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

\_\_\_\_\_  
Andrew Bernath, CFO/QPA

**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 on March 8, 2022.

\_\_\_\_\_  
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 #2022-38

### RESOLUTION OF THE GOVERNING BODY REFUND OF TAX OVERPAYMENT

WHEREAS, on 3 Mitchell Ave also known as Block 710 Lot 13 a duplicate property tax payment was made;

WHEREAS, a review of the records shows a credit for 2<sup>nd</sup> quarter taxes after duplicate payment of \$1,512.32 was paid. The owner, Donis Wood, would like the payment returned to her.

NOW THEREFORE BE IT RESOLVED by the Mayor and council of the Borough of Franklin that the Tax Collector be authorized to refund the credit of \$1,512.32 from the account.

**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 March 8, 2022.

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Darlene J. Tremont, Municipal Clerk

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

# **Borough of Franklin, County of Sussex**

## **Resolution #2022-39**

### **Resolution of the Governing Body**

#### **Urging the Swift Passage of S-330 which restores Energy Tax Receipts**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Franklin in the County of Sussex urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to the 24<sup>th</sup> Legislative District, N.J. State Assemblyman, Parker Space, Assemblyman Harold J. "Hal" Wirths and Senator Steven V. Oroho, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

# Borough of Franklin, County of Sussex

## Resolution #2022-39

**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 March 8, 2022.

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Darlene J. Tremont, Municipal Clerk

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

NOT YET APPROVED BY COUNCIL



**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX  
ORDINANCE #03-2022**

**A CAPITAL ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF  
SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE APPROPRIATION OF  
CAPITAL FUNDS FOR THE CUTTER ASSEMBLIES AT THE RT. 23 SOUTH AND  
MAPLE ROAD SEWER PUMPING STATIONS**

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

Section 1. The cutter/grinder assemblies at the Rt. 23 south and Maple Road sewer pumping stations need to be rebuilt; and,

Section 2. The Franklin Borough Director of Public Works has received an estimate of the cost of the necessary parts from the North Jersey Wastewater Cooperative Pricing System, and the installation of these parts will be handled by borough employees. The Chief Financial Officer certifies the availability of funds in Account #08-229-55-000-000 Reserve for Capital Improvements – Sewer Stations for the completion of the project with a cost not to exceed \$30,000; and,

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This Ordinance shall take effect immediately upon adoption 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: February 22, 2022

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a

regular meeting of the Council of the Borough of Franklin held on February 22, 2022, 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 March 8, 2022, 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 March, 2022.

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

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

Introduced: February 22, 2022

Adopted:

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

# Borough of Franklin, County of Sussex

## Proclamation

### SUPPORTING DESIGNATING “FRANKLINITE” AS THE OFFICIAL MINERAL OF THE STATE OF NEW JERSEY

**WHEREAS**, Bill No. S-1727 supplementing chapter 9A of Title 52 of the Revised Statutes, designates “Franklinite” as the Official Mineral of the State of New Jersey is being considered for adoption by the Senate of the State of New Jersey; and

**WHEREAS**, New Jersey has a long history of mining, including the world-famous mine in Sussex County at Franklin, the largest and richest Zinc Mine in the World,

**WHEREAS**, in 1968, New Jersey passed a resolution declaring the Borough of Franklin the “Fluorescent Mineral Capital of the World.”

**WHEREAS**. Franklinite, discovered in only two places in the World, only exists in quantity within the Franklin Mining District.

**WHEREAS**, in order to pay recognition to the scientific, economic, and historic importance of Franklinite, it is fitting and appropriate to designate Franklinite as the official mineral of the State of New Jersey.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin, County of Sussex and State of New Jersey, hereby supports Bill No. S-1727 designating “Franklinite” as the official mineral of the State of New Jersey and urges the Legislature to approve and pass the bill for the reason expressed herein.

**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 Proclamation adopted by the Governing Body of the Borough of Franklin at a regular meeting held on March 8, 2022.

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

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

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)				