

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
SEPTEMBER 27, 2022

- 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 September 13, 2022. (Absent: Limon) (*motion needed*)

2. **Resolution #2022-99** to approve extending the contract for Auction/Marketing Services with Max Spann RE, and Auction Company to December 31, 2022. (*motion needed*)

REGULAR AGENDA – MAYOR AND COUNCIL MEETING SEPTEMBER 27, 2022

3. Resolution #2022-100 to approve the Agreement between Franklin Borough and International Brotherhood of Teamsters Local 125. (Teamsters agreement included in Council packets) *(motion needed)*
4. Resolution #2022-101 to approve hiring a temporary part-time seasonal DPW Laborer in the amount of \$17.99 per hour up to 29 hours. *(motion needed)*
5. Adoption of Ordinance 13-2022 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS 35 FOWLER STREET”. *(motion needed)*

Prior to final roll call Mayor Sowden will request a motion to open the meeting to the public for any comments regarding Ordinance 13-2022.

6. Introduction of Ordinance 14-2022 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 259-2 REGARDING PARKING” *(motion needed)*

Public hearing will be held on October 11, 2022.

7. Proclamation to approve October 6, 2022, as Knock Out Opioid Abuse Day. *(motion needed)*

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 #2022-99

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN EXTENDING CONTRACT FOR AUCTION/MARKETING SERVICES WITH MAX SPANN RE, AN AUCTION COMPANY

WHEREAS, the Borough has a current contract dated March 22, 2002 with Max Spann for auction/marketing services;

WHEREAS, the Borough has been satisfied with the results provided by Max Spann;

WHEREAS, the agreement is set to expire on September 30, 2022;

WHEREAS, the Borough now wishes to extend the term of the contract to December 31, 2022;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the auction/marketing services contract referenced above dated March 22, 2002 is hereby extended an additional three (3) months until December 31, 2022.

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 September 27, 2022.

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 #2022-100

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN APPROVING INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 125 AGREEMENT

WHEREAS, the Department of Public Works in the Borough of Franklin are represented by the Teamsters Local 125;

WHEREAS, collective negotiations between Franklin Borough and the Teamsters Local 125 have now been completed;

WHEREAS, the Administrator and Personnel Committee recommends approving the proposed agreement for the term starting January 1, 2021 through December 31, 2024;

WHEREAS, the Borough Council has reviewed the collective negotiations agreement, and finds that ratification of the Agreement is in the best interests of the Borough;

NOW THEREFORE IT BE RESOLVED by the Governing Body of the Borough of Franklin that the Council hereby ratifies and approves the Agreement as presented between Franklin Borough and Teamsters Local 125 effective January 1, 2021 – December 31, 2024;

NOW THEREFORE BE IT FUTHER RESOLVED, by the Governing Body of the Borough of Franklin that the Mayor and Administrator are authorized to execute the Agreement on behalf of the Borough.

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 September 27, 2022.

Darlene J. Tremont, Municipal Clerk

Dated:

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 #2022-101

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING THE HIRING OF A PART-TIME SEASONAL LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

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

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the Borough Administrator is authorized to hire Frederick Milligan as part-time seasonal laborer in the Department of Public Works at the rate of \$17.99 per hour up to 29 hours per week, conditioned upon a successful background check, physical and drug test;

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

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on September 27, 2022.

Darlene J. Tremont, Municipal Clerk

Dated:

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)				

ORDINANCE NO. 13-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS
35 FOWLER STREET**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Franklin is the owner of certain real property known as Block 901 Lot 1; and

WHEREAS, said property are not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, that:

1. The property to be auctioned is known as and shall be referenced by parcel description is:

Parcel	Block	Lot	Address	Zone	Description
A	901	1	35 Fowler Street	R-4	0.425 Acres

2. The property shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted online by Max Spann and shall be concluded by November 10, 2022. The highest bidder will be considered and accepted by the Borough Council at its meeting on November 22, 2022.

3. The auction of each parcel shall be conducted with an undisclosed reserve price. The Borough Council must approve the auction price in order to be binding and the Borough Council reserves the right to reject all bids.

4. The said property shall be sold subject to the following terms and conditions:

- (a) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(b) The Borough does not warrant or certify title to the property and in no event shall the Borough of Franklin be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy shall be the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not

be required to refund money or correct any defect in title or be held liable for damages.

(c) The Borough makes no environmental representations regarding the property and purchaser may perform an environmental assessment.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 for the Borough's transaction costs, in cash or check.

(f) A Quit Claim Deed will be delivered at the office of the Borough Clerk on or before thirty (30) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Franklin and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(h) The property will be sold subject to 2022 taxes, pro-rated from the date of sale.

(i) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

Effective Date.

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

ATTEST:

BOROUGH OF FRANKLIN

Darlene J. Tremont, CLERK

BY: John M. Sowden IV, MAYOR

DATED:

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 13, 2022, at 7:00 PM 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 September 27, 2022, at 7:00 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

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 _____, 2022.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden, IV, Mayor

Introduced: September 13, 2022

Adopted:

ORDINANCE NO. 13-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE
OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED
BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE
COMMONLY KNOWN AS
35 FOWLER STREET**

RECORD OF COUNCIL VOTES:

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

ORDINANCE No. 14-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
MODIFYING SECTION 259-2 REGARDING PARKING**

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. Subsection 259-2E of the Code is hereby replaced as follows:

§ 259-2E. Parking time limited on Main Street.

Parking time limited on Main Street. No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon the portion of Main Street described:

(1) Southbound:

(a) Rutherford Avenue to Hudson Street: unlimited parking.

(b) Church Street to Caitlin Road: unlimited parking.

(c) Caitlan Road to Lehigh Street: two-hour parking between the hours of 8:00 am and 4:00 pm with unlimited parking on Sundays and Holidays.

(2) Northbound:

(a) Church Street to Town Hall: no parking.

(b) Front of Town Hall: official parking only (police, fire, EMS).

(c) Town Hall to High Street: two-hour parking between the hours of 8:00 am and 4:00 pm with unlimited parking on Sundays and Holidays.

(d) High Street to Junction Street: no parking.

(e) Junction Street to Parker Street: two-hour parking between the hours of 8:00 am and 4:00 pm with unlimited parking on Sundays and Holidays.

(f) Parker Street to Rutherford Avenue: no parking.

(3) Borough Municipal Building parking lot: parking prohibited in spaces labelled employee parking;

Otherwise, unlimited parking provided that applicable fees are paid.

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 M. Sowden IV, MAYOR

DATED:

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 27, 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 October 11, 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 _____, 2022.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced:

Adopted: