

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
NOVEMBER 9, 2021

- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
Recreation Committee – 2021 Senior of the Year
- Summary or Synopsis of Audit Report**
At this time Mr. Tom Ferry of Wielkocz & Company Certified Public Accountants will present an overview of the 2020 Franklin Borough Audit Report.
- Historical Commission – Historical Significance Map
- 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 and executive session meeting minutes for October 26, 2021. (Absent: None)

REGULAR AGENDA – MAYOR AND COUNCIL MEETING NOVEMBER 9, 2021

2. Discussion on 355 Scott Road
At this time there will be a discussion on the property located at 355 Scott Road, Franklin.
3. Resolution 2021-103 Certifying review of the 2020 Audit
A motion is in order to adopt resolution 2021-103 certifying the Franklin Borough Governing Body has reviewed the 2020 Audit comments and recommendations as required by N.J.A.C. 5:30-6.5.
4. Resolution 2021-104
A motion is in order to adopt resolution 2021-104 to accept and approve for filing the corrective action plan for the Audit Report year 2020 prepared and filed by the Borough's Chief Financial Officer. (Corrective Action Plan attached.)

2021 Best Practices Inventory

A motion is in order to accept the 2021 best practices inventory prepared by the CFO, Interim Administrator/Clerk as required by the Division of Local Government Services.

5. Resolution 2021-105
A motion is in order to adopt resolution 2021-105 authorizing the appointment of a Chief Financial Officer and Qualified Purchasing Agent and further authorizing the execution of an employment contract.
6. Mayoral Appointment
Mayor Sowden will make the following appointment:

Board of Health Members – Effective December 1, 2021

Joann Tatka Unexpired term Term expires: 12/31/2022

7. Wallkill Valley Girl Scouts Request
A motion is in order to approve the Wallkill Valley Girl Scouts request to waive the fees and application to use the Senior Center on November 14, 2021.

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.

**FRANKLIN BOROUGH
COUNTY OF SUSSEX
RESOLUTION 2021-103
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Franklin pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Franklin, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 on November 9, 2021.

Darlene J. Tremont, Municipal Clerk

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

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

RESOLUTION 2021-104

WHEREAS, a Corrective Action Plan for the Audit Report Year of 2020 has been prepared and filed by Interim Chief Financial Officer, Angelica Sabatini; and

WHEREAS, said Plan has been reviewed by the Mayor and Council of the Borough of Franklin.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin that the Corrective Action Plan for the Audit Report Year of 2020 is accepted and approved for filing in the Borough Clerk's Office.

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 on November 9, 2021.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
JOSEPH LIMON				
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STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

Attachment to Resolution 2021-104

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
CORRECTIVE ACTION PLAN
2020 AUDIT REPORT**

As required by Local Finance Notice #92-15

Finding #1 Finance

1. Description: That adequate segregation of duties within the Tax Collector and Water/Sewer Utility Collector Departments be maintained.
2. Analysis: Due to the limited number of employees within the Tax Collection and Water/Sewer Utility Collection departments there is not always a segregation of duties
3. Corrective Action: The Borough will consider strengthening internal control within reason of the costs, benefits derived, and budget constraints.
4. Implementation Date: November 9, 2021

NOT YET APPROVED BY COUNCIL

**RESOLUTION #2021-105
OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

**AUTHORIZING THE APPOINTMENT OF A CHIEF FINANCIAL OFFICER AND QUALIFIED PURCHASING
AGENT AND FURTHER AUTHORIZING THE EXECUTION OF AN EMPLOYMENT CONTRACT**

WHEREAS, N.J.S.A. 40A:9-140.10 requires every municipality in the State of New Jersey to have a Chief Financial Officer to be appointed by the governing body; and

WHEREAS, the Borough of Franklin requires the services of a Chief Financial Officer and Qualified Purchasing Agent due to vacancies in the positions; and

WHEREAS, the Personnel Committee has conducted an extensive search to fill the vacancies in the positions of Chief Financial Officer and Qualified Purchasing Agent; and

WHEREAS, the Personnel Committee recommends the appointment of an applicant who wishes to serve in the positions of Chief Financial Officer and Qualified Purchasing Agent, who will also be assigned many of the tasks typically performed by the Business Administrator; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey that the Mayor, with the advice and consent of the Borough Council, does hereby hire and appoint a Chief Financial Officer/Qualified Purchasing Agent according to the terms of the employment contract which the Mayor is authorized to execute and the Borough Clerk to attest to upon the adoption of this resolution.

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 at 7:00 PM on November 9, 2021.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
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MAYOR SOWDEN (Tie Only)				