

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
DECEMBER 14, 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**
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 November 23, 2021. (Absent: Zydon, Sowden)

2. **Resolution #2021-112**

A motion is in order to approve resolution 2021-112 authorizing the cancellation of water/sewer charges for the remainder of 2021 for the property located at 35 Fowler St. in the amount of \$3472.00.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING DECEMBER 14, 2021

3. Resolution #2021-113
A motion is in order to adopt resolution 2021-113, authorizing the Water/Sewer Collector to refund a credit balance of \$60.02 from the water/sewer account for the property located at 19 South Street also known as Block 709 Lot 4.
4. Resolution #2021-114
A motion is in order to adopt resolution 2021-114 to re-appoint Darlene J. Tremont as Municipal Clerk pursuant to the provision of N.J.S.A. 40A:9-133 et seq.
5. Resolution #2021-115
A motion is in order to adopt resolution 2021-115 to appoint Lauren Mitchener as Municipal Court Administrator at the annual salary of \$66,000 effective January 1, 2022.
6. Resolution #2021-116
A motion is in order to adopt resolution 2021-116 to re-hire Magret (Maggie) Rodriguez to assist during Municipal Court sessions on a temporary basis at the rate of \$100.00 per court session effective January 1, 2022.
7. Resolution #2021-117
A motion is in order to adopt resolution 2021-117 2021 budget transfers in the amount of \$6,000.
8. Resolution #2021-118
A motion is in order to adopt resolution 2021-118 authorizing cancellation of tax sale premiums.
9. Adoption of Ordinance #14-2021
A motion is in order to adopt ordinance 14-2021 entitled “SETTING RANGE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.”

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 14-2021.
10. Adoption of Ordinance #15-2021
A motion is in order to adopt ordinance 15-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 259-8, SPEED LIMITS.”

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 15-2021.
11. Hillside Estates Mobile Home Park License Renewal
A motion is in order to approve the renewal of the 2022 Mobile Home Park License for Hillside Estates at Franklin, LLC.
12. Shared Service Agreement for Deer Carcass Removal
A motion is in order to approve the Shared Service Agreement through December 31, 2022, between Space Wild Animal Farm Inc. and the Borough of Franklin for deer carcass removal from Municipal road rights-of-way at the rate of \$31.00 per deer. (no increase from 2021)
13. Memorandum of Understanding
A motion is in order to approve a Memorandum of Understanding (“MOU”) between the Borough of Franklin and the PBA Local 404 to amend the Collective Bargaining Agreement that expired on December 31, 2020 and authorizing the execution of same.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING DECEMBER 14, 2021

14. Discharge of Mortgage

A motion is in order to confirm the Discharge of Mortgage dated September 7, 1999, for Eugene McInerney and Agnes McInerney, 110 Main St., Franklin, in the amount of \$10,000.00.

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 NO. 2021-112**

**RESOLUTION AUTHORIZING CANCELLATION OF
WATER/SEWER CHARGES
ON PROPERTY FORECLOSED IN REM**

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104-29, et seq., as amended the Borough of Franklin foreclosed the property listed below, in rem,

WHEREAS, the final judgment recorded in with the Sussex County Clerk's Office on August 10, 2021 in Book 17 Page 728,

WHEREAS, taxable property acquired by a municipality is exempt immediately upon acquisition as per N.J.S.A.54:4-3.3.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin, County of Sussex, does hereby authorize the cancellation of water/sewer charges for the remainder of 2021 as follows:

35 Fowler Street, Block 901 Lot 1 in the amount of \$3472.00

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Water/Sewer Collector.

This Resolution shall take effect immediately.

CERTIFICATION: I, Darlene J. Tremont, hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Franklin at a meeting held in the Franklin Municipal Building at 46 Main Street on December 14, 2021 at 7:00PM.

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 NO. 2021-113

WHEREAS, on property **19 South Street** also known as Block 709 Lot 4 received a Final Water/Sewer bill in 4th quarter 2021 the amount of \$323.98;

WHEREAS, **a review of the records shows a credit for this parcel** after final bill was paid.

NOW THEREFORE BE IT RESOLVED by the Mayor and council of the Borough of Franklin that the Water and Sewer Collector be authorized to refund the credit of \$60.02 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 in a regular meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on December 14, 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 2021-114

**RE-APPOINTING DARLENE J. TREMONT
AS MUNICIPAL CLERK FOR THE BOROUGH OF FRANKLIN**

WHEREAS, N.J.S.A. 40A:9-133 et seq. requires every municipality in the State of New Jersey to appoint a Municipal Clerk; and

WHEREAS, Darlene J. Tremont has been serving as the Municipal Clerk for the Borough of Franklin by adoption of Resolution 2018-111 on December 15, 2018, for the three (3) year term ending on December 31, 2021; and

WHEREAS, the Governing Body has been satisfied with the performance of the Municipal Clerk; and wishes to formally re-appoint Darlene J. Tremont as the Municipal Clerk of the Borough of Franklin pursuant to the law; and

WHEREAS, N.J.S.A. 40A:9-133 et seq. provides that every Municipal Clerk shall be appointed for an initial three (3) year term by the Governing Body of the Municipality and N.J.S.A. 40A:9-133.7 provides for tenure to a Clerk "holding office during good behavior and efficiency, and compliance with the continuing education requirements" in accordance with law;

NOW, THEREFORE BE RESOLVED, that the Mayor and Council of the Borough of Franklin hereby re-appoints Darlene J. Tremont to the position of Municipal Clerk for the Borough of Franklin effective January 1, 2022; and

BE IT FURTHER RESOLVED, that based upon the applicable state's statutes, the Municipal Clerk will have tenure effective January 1, 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 at a regular meeting held on December 14, 2021, at 7:00 PM.

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)				

**RESOLUTION #2021-115
OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

AUTHORIZING THE APPOINTMENT OF A MUNICIPAL COURT ADMINISTRATOR

WHEREAS, N.J.S.A. 2B:8-1 et seq. the Municipal Court of the Borough of Franklin, Sussex County has been established; and

WHEREAS, the Borough of Franklin requires the services of a Municipal Court Administrator due to vacancy in the position; and

WHEREAS, the Personnel Committee in conjunction with the AOC has conducted an extensive search to fill the vacancy in the position of Municipal Court Administrator; and

WHEREAS, the Personnel Committee recommends the appointment of Lauren Mitchener who has been in the position of Deputy Court Administrator for the Borough of Franklin, to serve in the position of Municipal Court Administrator; and

WHEREAS, Lauren Mitchener's annual salary will be \$66,000.00, effective January 1, 2022, upon completion of her project and becoming fully certified, she will receive an additional \$2,000.00; and

WHEREAS, additional compensation to Lauren Mitchener will be provided as follows:

- a) Two (2) weeks paid vacation beginning January 1, 2022
- b) Court sessions over 24 court sessions in a 1 year period will be paid \$130/session
- c) Call outs - \$50.00
- d) Phone reimbursement \$20.00/month
- e) Mileage reimbursements for attending classes for continued educational credits as required by law will be as stated in employee handbook
- f) All other compensation will be pursuant to the policies in the Employee Handbook

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, does hereby appoint Lauren Mitchener as Municipal Court Administrator at the annual salary of \$66,000.00 effective January 1, 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 at a regular meeting held on December 14, 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)				

RESOLUTION NO. 2021-116

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
AUTHORIZING THE RE-HIRING OF MAGRET (MAGGIE) RODRIGUEZ**

WHEREAS, Magret (Maggie) Rodriguez was a former Deputy Court Administrator for the Borough of Franklin; and

WHEREAS, the Franklin Borough is in need of a Deputy Court Administrator to assist during Municipal Court sessions due to a vacancy in the Franklin Borough Municipal Court; and

WHEREAS, the Administrative Offices of the Courts (AOC) requires two administrators to work each court session; and

WHEREAS, Magret (Maggie) Rodrigues is familiar with the policies and procedures of the Franklin Borough Municipal Court; and

WHEREAS, the Governing Body of the Borough of Franklin wishes to re-hire Magret (Maggie) Rodriguez on a temporary basis at the rate of \$100.00 per court session; and

NOW THEREFORE IT BE RESOLVED by the Borough Council of the Borough of Franklin authorizes the hiring of Magret (Maggie) Rodriguez to assist during Municipal Court sessions on a temporary basis at the rate of \$100.00 per court session effective January 1, 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 at a regular meeting held on December 14, 2021, at 7:00 PM.

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
Resolution 2021-117**

TRANSFER RESOLUTION

WHEREAS, the Borough of Franklin Municipal Budget requires certain modifications to cover potential expenses that occur in excess of the original budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the following Transfer of Appropriations (2021 Municipal Budget) in accordance with N.J.S.A. 40A:4-58-59 and hereby approved.

Transfer From:		Transfer To:	
Water/Sewer Fund		Water /Sewer Fund	
Water/Sewer, S&W	\$6,000	Water /Sewer, OE	\$6,000
Total	\$6,000	Total	\$6,000

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 December 14, 2021

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
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GILBERT SNYDER				
STEPHAN ZYDON JR.				
MAYOR SOWDEN (Tie Only)				

**FRANKLIN BOROUGH
COUNTY OF SUSSEX
RESOLUTION NO. 2021-118**

**RESOLUTION AUTHORIZING CANCELLATION OF TAX SALE
PREMIUMS**

WHEREAS, N.J.S.A. 54:5-33 allows for tax sale premiums collected not redeemed within five years from the date of sale or forfeited by foreclosure to be turned over to the treasurer of the municipality and become part of the funds of the municipality and,

WHEREAS, the Tax Collector has recommended that the Mayor and Council of Franklin Borough cancel the tax sale premiums greater than five years old and those forfeited by foreclosure by the lienholder,

NOW, THEREFORE, BE IT RESOLVED that Franklin Borough Council, County of Sussex, does hereby authorize the cancellation of the following tax sale premiums to fund balance

- \$300.00 for Block 63 Lot 2.01, Tax Sale Certificate 06-12
- \$1,000.00 for Block 3 Lot 14.03, Tax Sale Certificate 11-03
- \$10,000.00 for Block 302 Lot 8, Tax Sale Certificate 2013-005
- \$15,100.00 for Block 701 Lot 3, Tax Sale Certificate 2014-007
- \$2,500.00 for Block 701 Lot 4, Tax Sale Certificate 2013-014
- \$14,400.00 for Block 708 Lot 4, Tax Sale Certificate 2014-013
- \$26,000.00 for Block 2101 Lot 16, Tax Sale Certificate 2013-036
- \$10,000.00 for Block 2601 Lot 4, Tax Sale Certificate 2015-036

This Resolution shall take effect immediately.

CERTIFICATION: I, Darlene J. Tremont, hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted by the Mayor and Council of the Borough of Franklin in a meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on the date of December 14, 2021.

Darlene J. Tremont, Municipal Clerk

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