

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
AUGUST 17, 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**

New Jersey State Association of Chiefs of Police

At this time Harry J. Delgado, Ed.S., Director of the NJSACOP Accreditation Program will present the official accreditation certificate to the Franklin Borough Police Department.

- 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. A motion is in order to approve the regular meeting minutes and executive session meeting minutes for July 20, 2021. (Absent: None)
- b. A motion is in order to approve the special meeting minutes for August 4, 2021. (Absent: Snyder)

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2. Resolution #2021-79
A motion is in order to adopt resolution 2021-79 authorizing the adoption of the 2021 Sussex County, New Jersey Hazard Mitigation Plan update.
3. Resolution #2021-80
A motion is in order to adopt resolution 2021-80 authorizing sale of surplus property owned by the Borough of Franklin through Municibid.com pursuant to state approved contract.
4. Resolution #2021-81
A motion is in order to adopt resolution 2021-81 renewing membership in the Morris County Cooperative Pricing Council, authorizing the execution of an agreement with the Morris County Cooperative Pricing Council to renew the membership therein for the period of October 1, 2021, through September 30, 2026. (Agreement provided in the Council packets.)
5. Resolution #2021-82
A motion is in order to adopt resolution 2021-82 authorizing additional administrative duties to be provided by the Municipal Clerk.
6. Resolution #2021-83
A motion is in order to adopt resolution 2021-83 authorizing the hiring of Suzann Brush-Babcock for administrative office support and recreational event support on a temporary basis.
7. Ordinance #11-2021
A motion is in order to adopt ordinance 11-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 119 OF THE BOROUGH CODE ENTITLED “FEES”.

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 11-2021.

8. Introduction of Ordinance #12-2021
A motion is in order to introduce ordinance 12-2021 entitled “AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN TO CREATE A CANNABIS TAX”.

Public Hearing will be held on September 14, 2021.

9. Discharge of Mortgage
A motion is in order to confirm the Discharge of Mortgage dated October 23, 2006, for Art and Sara Agnor, 9 Hillside Ave, Franklin, in the amount of \$10,200.00.
10. Discussion on Zoom meeting support
At this time there will be a discussion on Zoom meeting support.
11. Discussion on Website Updating
At this time there will be a discussion on website updating.
12. Discussion on Temporary CFO Position
At this time there will be a discussion on the temporary CFO position.

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.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING AUGUST 17, 2021

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. 2021-82**

**RESOLUTION OF THE GOVERNING BODY OF THE
BOROUGH OF FRANKLIN AUTHORIZING
ADDITIONAL ADMINISTRATIVE DUTIES**

WHEREAS, Darlene J. Tremont is the Municipal Clerk for the Borough of Franklin;

WHEREAS, the Borough is in need of someone to provide additional support for administrative duties because of a resignation within the Administrative Office;

WHEREAS, Darlene J. Tremont has 6 years of experience working as Administrative Assistant to the Administrator and 4 years as the Municipal Clerk within the Administrative Office;

WHEREAS, the Mayor and Council of the Borough of Franklin agree to have Darlene J. Tremont provide additional administrative duties at an added rate of \$25.00 per hour in addition to her role as Municipal Clerk the status of such appointment to be reviewed as reasonably practicable but initial review no later than September 28, 2021;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the Borough authorizes the payment of additional compensation to Darlene J. Tremont to provide additional administrative support in addition to her role as Municipal Clerk at the additional rate of \$25.00 per hour effective immediately;

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 August 17, 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
COUNTY OF SUSSEX**

RESOLUTION NO 2021-83

WHEREAS, the Borough of Franklin currently has an administrative vacancy in Recreation as a result of an employee being transferred to another department;

WHEREAS, there is a need to hire a temporary employee to provide administrative support for ongoing operations in Recreation;

WHEREAS, Suzann Brush-Babcock is interested to serve the Borough in the capacity of temporary administrative and recreation event support staff;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that Suzann Brush-Babcock is hired on a temporary basis at the rate of \$15 per hour not to exceed an average of 20 hours per week to provide administrative office support and Recreational event support for 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 at a regular meeting held on August 17, 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
ORDINANCE NO. 11-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 119 OF THE BOROUGH CODE
ENTITLED "FEES"**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that 119 of the Code of the Borough of Franklin entitled "Fees" is hereby amended as follows:

SECTION I.

Chapter 119-4 of the Code of the Borough of Franklin entitled "Fees" referencing Chapter 194, "Parking Lots, Municipal" is hereby replaced as follows:

Ch. 194, Parking Lots, Municipal

§ <u>194-1</u>	Parking permit, Franklin Borough residents	\$50 per year \$100 per year (starting 1/1/23) \$150 per year (starting 1/1/25)
	Parking permit, non-Franklin Borough residents	\$300 per year
	Commercial vehicles	\$250 per year \$300 per year (starting 1/1/23) \$350 per year (starting 1/1/25)
	Parking permit for visitor vehicles	\$10 per day

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 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 the 20th day of July, 2021, 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 the 17th day of August, 2021, 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, 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 _____, 2021.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: July 20, 2021
Adopted:

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

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
JOSEPH LIMON						
JOHN POSTAS						
STEPHEN SKELLENGER						
GILBERT SNYDER COUNCIL PRESIDENT						
STEPHAN ZYDON, JR.						
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
ORDINANCE NO. 12-2021**

**AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN
TO CREATE A CANNABIS TAX**

WHEREAS, N.J.S.A. 40:48I-1, et seq., permits municipalities to adopt transfer and user taxes for the growing, manufacturing, wholesale, distribution, retail sale, and/or delivery of cannabis

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey, that Chapter 239 of the Borough Code is hereby modified as follows:

Section 1. There is hereby a new Article entitled “Cannabis Tax” as follows:

Article II. Cannabis Taxation.

§239-20 – Definitions.

“Cannabis”, “Cannabis cultivator”, “Cannabis establishment”, “Cannabis items”, “Cannabis manufacturer”, “Cannabis retailer”, and “Cannabis wholesaler” means the same as those terms are defined in N.J.S.A. 24:6I-33.

§239.21 – Cannabis Tax.

A tax on the sale or transfer of cannabis and cannabis items is hereby established on the following transactions.

1. Sale of cannabis by a cannabis cultivator to another cannabis cultivator.
2. Sale of cannabis items from one cannabis establishment to another cannabis establishment.
3. Retail sales of cannabis items by a cannabis retailer to retail consumers who are twenty-one (21) years of age or older; and/or,
4. Any combination thereof.

§239-22 - Tax Rate.

A. The following tax rates shall apply to all sales of cannabis and cannabis items:

1. Two percent (2%) of the receipts from each sale by a cannabis cultivator;
2. Two percent (2%) of the receipts from each sale by a cannabis manufacturer;
3. One percent (1%) of the receipts from each sale by a cannabis wholesaler;
4. Two percent (2%) of the receipts from each sale by a cannabis retailer.

B. A transfer tax on any concurrent license holder operating more than one cannabis establishment is imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the tax imposed pursuant to this Ordinance, from the license holder's establishment that is located in the Borough of Franklin to any of the other license holder's establishments, whether located in this Borough of Franklin or another municipality. The transfer tax shall apply to all transfers by a concurrent license holder of cannabis items to any of the other license holder's establishments at the same rates as set forth in this Ordinance based upon the value of the cannabis or cannabis items transferred.

§239-23 – Interpretation.

This Ordinance shall be interpreted and administered in accordance with N.J.S.A. 40:48I-1, as the same may be amended, revised, and/or supplemented from time to time.

Section 2. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the Sussex County Planning Board, the clerk of any adjoining municipality, and to all other persons entitled thereto pursuant to *N.J.S.A. 40:55D-15* and *N.J.S.A. 40:55D-63* (if required). Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to public notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by *N.J.S.A. 40:55D-16*. The Clerk shall also forthwith transit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by *N.J.S.A. 40:49-2.1*.

Section 4. This Ordinance shall take effect after twenty (20) days of its final passage by the Borough Council, upon approval by the Mayor and publication as required by law.

ATTEST:

BOROUGH OF FRANKLIN

DARLENE J. TREMONT, CLERK

JOHN M. SOWDEN IV, MAYOR

DATED:

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 _____, 2021, 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 _____, 2021, 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