

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 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**
Lt. Nevin Mattessich, Franklin Borough Police Department - Body-Worn Camera Program.
- 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 for August 17, 2021. (Absent: Postas)
- b. A motion is in order to approve the special meeting minutes for August 27, 2021. (Absent: Limon, Postas, Zydon)

2. **Mayoral Appointment**

Mayor Sowden will make the following appointment.

Recreation Committee

Barbara Castania Member (3-yr. unexpired term) expires 12/31/2023

REGULAR AGENDA – MAYOR AND COUNCIL MEETING SEPTEMBER 14, 2021

3. Resolution #2021-86
A motion is in order to adopt resolution 2021-86 opposing cuts in State school aid allocation to Sussex County school districts.
4. Resolution #2021-87
A motion is in order to adopt resolution 2021-87 requesting Municipalities in New Jersey to join together in a Consortium of Municipalities to help improve JCP&L overall services.
5. Resolution #2021-88
A motion is in order to adopt resolution 2021-88 authorizing an electronic tax sale.
6. Resolution #2021-89
A motion is in order to adopt resolution 2021-89 authorizing the Tax Collector to refund Ricardo Garces in the amount of \$1,901.68.
7. Resolution #2021-90
A motion is in order to adopt resolution 2021-90 person to person, place to place transfer of liquor license 1906-33-004-006 issued to Coyote Cocina Mexicana, LLC for the premises located at 116 Route 23 North, Franklin, NJ 07416. (Application for transfer provided in the Council packets.)
8. Resolution #2021-91
A motion is in order to adopt resolution 2021-91 authorizing custodial services status change for Frederick Babcock from temporary to permanent custodian at the rate of \$16.00 per hour up to an average of 25 hours per week, effective September 16, 2021, as recommended by the Personnel Committee.
9. Resolution #2021-92
A motion is in order to adopt resolution 2021-92 authorizing a salary adjustment for Lauren Mitchener at the rate of \$23.00 per hour up to 29 hours a week, effective September 16, 2021, as recommended by the Personnel Committee.
10. Resolution #2021-93
A motion is in order to adopt resolution 2021-93 authorizing Phoenix Consulting Group to continue the DPW and PD contract negotiations not to exceed \$6,000. (Proposal provided in Council packets)
11. Adoption of Ordinance #12-2021
A motion is in order to adopt ordinance 12-2021 entitled “AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN TO CREATE A CANNABIS TAX”.

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 12-2021.

12. Introduction of Ordinance #13-2021
A motion is in order to introduce ordinance 13-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V “ZONING,” SECTION 161-27(B) OF THE BOROUGH CODE AND THE ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE CLASSIFICATION OF BLOCK 2401, LOT 20 FROM “R-1” SINGLE-FAMILY RESIDENTIAL TO “I” INDUSTRIAL”. (Planning Board recommendation letter provided in Council packets)

Public Hearing will be held on October 12, 2021.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING SEPTEMBER 14, 2021

13. DPW Salary Step Increase

A motion is in order to approve a DPW salary step increase for Andrew Burd to Grade Step 5 \$22.77/hr., as per the DPW contract, effective September 16, 2021 as recommended by Brian VanDenBroek, DPW Director.

14. DPW Salary Step Increase

A motion is in order to approve a DPW salary step increase for Jesse Bogart to Grade Step 7 \$25.20/hr., as per the DPW contract, effective September 16, 2021 as recommended by Brian VanDenBroek, DPW Director.

15. Discussion on Senior Center

At this time there will be a discussion on the Senior Center.

16. Discussion on Medical Insurance Waiver

At this time there will be a discussion on Medical Insurance Waiver.

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
RESOLUTION 2021-86**

OPPOSING CUTS IN STATE SCHOOL AID ALLOCATIONS TO SUSSEX COUNTY SCHOOL DISTRICTS

WHEREAS, The Fiscal Year 2022 K-12 State School Aid amounts have been released by the New Jersey Department of Education, Office of School Finance; and

WHEREAS, Sussex County's funding level will continue to sharply decrease despite 14 other counties in New Jersey receiving increases from 5.4% (Gloucester) to 16.3% (Bergen); and

WHEREAS, only 3 of Sussex County's school districts are receiving funding increases or no changes to funding compared to last year, while the remaining 22 districts will see dramatic cuts to their state school aid, with most of them receiving double-digit decreases; and

WHEREAS, the state school aid decreases for FY2022 in Sussex County are as follows:

District	Percent difference
Hopatcong	-27.2%
Stillwater Township	-24.8%
Sandyston-Walpack Township	-21.8%
Kittatinny Regional	-20.1%
Frankford Township	-17.8%
Hampton Township	-17.4%
High Point Regional	-16.3%
Fredon Township	-15.6%
Andover Regional	-15.2%
Hardyston Township	-14.9%
Green Township	-14.1%
Stanhope Borough	-12.9%
Hamburg Borough	-10.9%
Walkill Valley Regional	-10.9%
Byram Township	-10.7%
Vernon Township	-10.6%
Sussex-Wantage Regional	-10.6%
Montague Township	-8.0%
Sparta Township	-3.9%
Ogdensburg Borough	-2.7%
Lenape Valley Regional	-1.0%
Lafayette Township	-0.3%

WHEREAS, the Mayor and Council of the Borough of Franklin finds these state school aid decreases to be unacceptable and detrimental to our county's school districts and will hinder their ability to provide the high quality of education that our students deserve.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin opposes the announced Fiscal Year 2022 K-12 State School Aid amounts and urges the New Jersey Department of Education, Office of School Finance to restore funding to our school districts.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Sussex County Clerk; Sussex County Federal Legislators; Members of the New Jersey Senate and New Jersey General Assembly; Clerks/Administrators of all the Sussex County Municipalities.

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 September 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 2021-87**

**Resolution requesting Municipalities in New Jersey to join together in a Consortium of
Municipalities to help improve JCP&L overall services**

WHEREAS, the Borough of Franklin, as well as hundreds of municipalities across the State of New Jersey were without power, ranging from hours to multiple days as a result of Tropical Storm Isaias which struck the State on Tuesday, August 4, 2020; and

WHEREAS, Tropical Storm Isaias caused devastation across the State in the form of downed power lines and trees, flooding, road closures, as well as disruption to transportation infrastructure and hubs; and

WHEREAS, the weather forecasts ahead of Tropical Storm Isaias, as well as communications from the State of New Jersey Office of Emergency Management, warned of the coming storm and the damage that it could inflict upon the State and that all utility companies should be prepared; and

WHEREAS, it is clear to the Mayor and Council and residents of the Borough that the infrastructure that JCP&L was charged to maintain - utility poles, transformers substations and wiring, often failed, demonstrating that the utility was unprepared for Tropical Storm Isaias despite the claim that the infrastructure had been upgraded; and

WHEREAS, the Mayor and Council finds that JCP&L failed to provide that service in the length of time it took to restore the Borough to full power; and

WHEREAS, considering the burden the loss of electricity has caused Borough residents, the Mayor and Council is requesting other municipalities within New Jersey to join together in a Consortium of Municipalities along with the New Jersey Board of Public Utilities and JCP&L, to discuss the issues and concerns over the years with JCP&L and to help improve their overall services and to develop solutions with timelines and milestones in an effort to rectify these issues in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Franklin is requesting all municipalities to join in this effort to bring resolution to the issues we have all experienced in the past with a coordinated effort to exact positive change.

NOW, BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to BPU President Joseph L. Fiordaliso, Board of Public Utilities Commissioners, JCP&L, Legislators representing this Legislative District and all Municipalities in the State of New Jersey.

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 September 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)				

**COUNTY OF SUSSEX
BOROUGH OF FRANKLIN**

RESOLUTION #2021-88

AUTHORIZING ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to the rules and regulations promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations authorize a municipality to conduct an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Franklin wishes to participate in an electronic tax sale for 2020 and prior year delinquencies.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the Tax Collector is hereby authorized to conduct an electronic tax sale.

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

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CERTIFICATION: I Darlene J. Tremont, hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor & Council of the Borough of Franklin, in the County of Sussex, New Jersey, at a meeting held on September 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  
46 MAIN STREET  
FRANKLIN, NJ 07416**

**RESOLUTION #2021-89**

**WHEREAS, two payments were received and posted for 3<sup>rd</sup> Qtr 2021 on Block 1502 Lot 7, 14 Hillside Ave, creating an overpayment on the account.**

**NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, that the Tax Collector is hereby authorized to refund the property owner, Ricardo Garces, in the amount of \$1,901.68.**

**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 at 7:00 PM on September 14, 2021.**

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**Darlene J. Tremont, Municipal Clerk**

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



**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX**

**RESOLUTION 2021-90**

**PERSON TO PERSON - PLACE TO PLACE LIQUOR LICENSE TRANSFER**

**WHEREAS**, an application has been filed for a person to person – place to place transfer of Plenary Retail Consumption Liquor License 1906-33-004-006 heretofore issued to Coyote Cocina Mexicana, LLC, for premises located at 116 Route 23, Franklin, NJ 07416; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulation promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Franklin Governing Body does hereby approve, effective September 14, 2021 the Person to Person and Place to Place transfer of the aforesaid Plenary Retail Consumption License to Coyote Cocina Mexicana, LLC at a new location at 116 Route 23, Franklin, NJ 07416 with a mailing address of 327 Summer Street, Clifton, NJ 07011 and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Coyote Cocina Mexicana, LLC, at the premises located at 116 Route 23, Franklin, New Jersey effective September 14, 2021.

**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 September 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  
COUNTY OF SUSSEX**

**RESOLUTION 2021-91**

**RESOLUTION AUTHORIZING CUSTODIAL SERVICES STATUS CHANGE**

**WHEREAS**, the Borough of Franklin feels the need exists for a permanent custodian;

**WHEREAS**, Frederick Babcock was hired to maintain custodial services in all Franklin Borough municipal buildings on a temporary basis during the global COVID-19 pandemic;

**WHEREAS**, Frederick Babcock has expressed the desire to perform the duties of custodian on a permanent basis;

**WHEREAS**, the Borough of Franklin is satisfied with the temporary custodial services performed by Frederick Babcock;

**WHEREAS**, the Personnel Committee has recommended changing the status of Frederick Babcock to permanent custodian;

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council of the Borough of Franklin authorizes the status change of Frederick Babcock to permanent custodian to maintain custodial services in all municipal buildings at the rate of \$16.00 per hour, up to an average of 25 hours per week, effective September 16, 2021.

**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 September 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  
COUNTY OF SUSSEX  
RESOLUTION 2021-92**

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

**WHEREAS**, the Governing Body of the Borough of Franklin appointed Lauren Mitchener, as Deputy Court Administrator after completing phases of POMCA I, II and III; and

**WHEREAS**, Lauren Mitchener has now successfully completed POMCA IV and passed both her written and oral test and is now conditionally accredited to be Court Administrator; and

**WHEREAS**, the Personnel Committee has reviewed the salary adjustment request from Lauren Mitchener, dated August 9, 2021; and

**WHEREAS**, the Personnel Committee unanimously recommends to the Governing Body the following salary adjustment for Lauren Mitchener;

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Franklin authorizes a salary adjustment for Lauren Mitchener, Deputy Court Administrator, in the amount of \$23.00 per hour up to 29 hours a week, effective September 16, 2021.

**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 September 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 NO. 2021-93**

**RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING CONTRACT WITH PHOENIX CONSULTING GROUP, LLC FOR PROFESSIONAL CONSULTING SERVICES**

**WHEREAS**, on August 13, 2021, the CFO/Administrator for the Borough of Franklin (“Borough”) resigned from her position; and

**WHEREAS**, prior to resigning, the CFO/Administrator was actively engaged in contract negotiations with the Borough Police Department and the Borough Department of Public Works; and

**WHEREAS**, the Borough is interested in continuing contract negotiations without delay, and as such deems it appropriate to retain a professional consulting services firm to continue with said negotiations; and

**WHEREAS**, Phoenix Consulting Group, LLC submitted a proposal for professional consulting services to continue with contract negotiations at the rate of \$150 per hour; and

**WHEREAS**, it is estimated that the cost for such services will not exceed 40 hours; and

**WHEREAS**, the proposed cost is less than the bid threshold set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (“LPCL”), and the contract consists of professional services that may be awarded without advertising and public bidding under the LPCL; and

**WHEREAS**, the Mayor and Council deem it to be in the best interests of the Borough to retain the services of Phoenix Consulting Group, LLC to complete contract negotiations as described above and in the attached proposal, which is incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey authorize the Mayor and the Borough Clerk to enter into a contract with Phoenix Consulting Group, LLC not to exceed \$6,000 for professional consulting services required to continue contract negotiations with the Borough Police Department and Borough Department of Public Works.

**BE FURTHER RESOLVED** that the contract, resolution, and all other pertinent documents shall remain on file in the Office of the Borough Clerk.

**CERTIFICATION I**, Darlene 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 meeting of said Governing Body held on September 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  
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 August 17, 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 September 14, 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

**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 September, 2021.

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

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

Introduced: August 17, 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<br>COUNCIL PRESIDENT   | X    |       |         |        |      |     |
| STEPHAN ZYDON, JR.                    | X    |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(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<br>COUNCIL PRESIDENT    |      |       |         |        |      |     |
| STEPHAN ZYDON, JR.                     |      |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)         |      |       |         |        |      |     |

**BOROUGH OF FRANKLIN  
ORDINANCE NO.13-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF  
SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V  
“ZONING,” SECTION 161-27(B) OF THE BOROUGH CODE AND THE  
ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE  
CLASSIFICATION OF BLOCK 2401, LOT 20 FROM “R-1” SINGLE-  
FAMILY RESIDENTIAL TO “I” INDUSTRIAL**

**WHEREAS**, on August 16, 2021, at its regular public meeting, the Borough of Franklin Planning Board (“Planning Board”) unanimously voted to recommend to the Mayor and Council that property designated on the Official Tax Maps of the Borough as Block 2401, Lot 20, commonly known as 12 Munsonhurst Road (“Property”), be re-zoned from “R-1” Single-Family Residential to “I” Industrial as depicted on **Exhibit A**; and

**WHEREAS**, the Planning Board’s stated purpose for recommending re-zoning the Property is to reflect more appropriate uses consistent with the type of building and zoning of the adjacent property located to the south; and

**WHEREAS**, the Borough Council of the Borough of Franklin is in accord with and accepts the recommendation of the Planning Board to re-zone the Property as stated above; and

**WHEREAS**, the Borough Council now desires to amend its land use and development regulations, specifically the Zoning Map of the Borough, adopted September 14, 2010, to reflect the above-described zone change.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Article V “Zoning,” Section 161-27(B) of the Borough Code and the Zoning Map of the Borough are hereby amended as follows:

**SECTION 1.** The zone classification of property identified as Block 2401, Lot 20 on the Official Tax Maps of the Borough of Franklin, commonly known as 12 Munsonhurst Road, is hereby changed from “R-1” Single-Family Residential to “I” Industrial to reflect more appropriate uses consistent with the type of building and zoning of the adjacent property to the south.

**SECTION 2.** The Zoning Map of the Borough of Franklin, adopted September 14, 2010, is hereby considered, and shall be amended to reflect the depiction of the foregoing change in zone classification.

**SECTION 3.** 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 4.** All ordinances, policies, and procedures, or parts thereof, in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.



**SECTION 5.** 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 pursuant to N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish 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.

**SECTION 6.** Pursuant to N.J.S.A. 40:55D-62.1, notice of the date, time, and place of the hearing and a copy of this ordinance shall be given at least ten (10) days prior to the hearing by the Borough Clerk by either personal service or certified mail and regular mail to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred feet (200') in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within two hundred feet (200') in all directions of the proposed new boundaries of the district.

**SECTION 7.** The Borough 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 8.** This Ordinance shall take effect upon final passage and publication as provided by law, however, after first reading, this Ordinance shall be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Borough's Master Plan.

**ATTEST:**

**BOROUGH OF FRANKLIN**

\_\_\_\_\_  
DARLENE J. TREMONT, CLERK

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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 September 14, 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 October 12, 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.

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Darlene J. Tremont  
Municipal Clerk