

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
APRIL 12, 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**
Mr. Ray Sarinelli Jr., Municipal Auditor – CY2022 Municipal Budget
- 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** of the regular meeting minutes for March 22, 2022. (Absent: None) (*motion needed*)
2. **Adoption of Ordinance 04-2022** entitled "BOROUGH OF FRANKLIN SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (*motion needed*)

Prior to final roll call Mayor Sowden will open the meeting to the public for any comments regarding Ordinance 04-2022.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING APRIL 12, 2022

3. Public Hearing on the 2022 CY Municipal Budget
Mayor Sowden will request a motion to open the meeting to the public for public comments on the 2022 CY Municipal Budget.
4. Resolution #2022-44 to adopt the 2022 CY Municipal Budget.
(motion needed)
5. Resolution #2022-45 to approve support of amending Title 35 of the New Jersey revised statutes to permit the publication of legal notices by Government entities on official Government websites instead of in newspapers. *(motion needed)*
6. Resolution #2022-51 to authorize Aquaclear LLC to provide pond weed management for 2022 and 2023 in the amount of \$12,877 annually.
(motion needed)
7. Resolution #2022-52 to authorize Prism Sweeping Services, Inc. to provide for street sweeping. *(motion needed)*
8. Resolution #2022-53 to approve moving School Board Elections to April. *(motion needed)*
9. American Legion Post 132 request permission to hold their Memorial Day Parade on May 30, 2022; parade line up will start at the Legion Post at 10:15AM, parade starts at 10:45AM. *(motion needed)*
10. Discussion on Franklin Pond

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.

ORDINANCE 04-2022

**BOROUGH OF FRANKLIN
SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Franklin in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council of the Borough of Franklin hereby determines that a 3.5% increase in the budget for said year, amounting to \$260,384.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council of the Borough of Franklin hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Franklin, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Franklin shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$260,384.54, and that the CY 2022 municipal budget for the Franklin Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

BE IT FURTHER ORDAINED that this ordinance shall be applied retroactively to be applicable to the introduction and adoption of the 2022 Municipal Budget.

Attest:

Darlene J. Tremont, Municipal Clerk

John M. Sowden, IV, Mayor

NOTICE

TAKE NOTICE that the above entitled Ordinance 04-2022 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on March 22, 2022 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on April 12, 2022 at 7:00 p.m.

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, Municipal Clerk

John M. Sowden IV, Mayor

Introduced: March 22, 2022

Adopted:

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

SECTION 2 - UPON ADOPTION FOR YEAR 2022

RESOLUTION 2022-44

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH of FRANKLIN, County of SUSSEX that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 5,086,451.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes

Nays

Abstained

Absent

NOT YET APPROVED BY COUNCIL

1. General Revenues

SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	790,000.00
Miscellaneous Revenues Anticipated	13-099	\$	1,261,651.00
Receipts from Delinquent Taxes	15-499	\$	369,500.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	5,086,451.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	-
Total Revenues	13-299	\$	7,507,602.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
<u>Within "CAPS"</u>	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 5,411,588.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 797,849.00
(g) Cash Deficit	46-885	\$ -
<u>Excluded from "CAPS"</u>	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 226,981.00
(c) Capital Improvements	44-999	\$ 181,574.00
(d) Municipal Debt Service	45-999	\$ 389,610.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-460	\$ -
(h) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 500,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 7,507,602.00

NOT YET APPROVED BY COUNCIL

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2022. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2022, _____, Clerk

Signature

Borough of Franklin, County of Sussex

Resolution #2022-45

A RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY IN SUPPORT OF AMENDING TITLE 35 OF THE NEW JERSEY REVISED STATUTES TO PERMIT THE PUBLICATION OF LEGAL NOTICES BY GOVERNMENT ENTITIES ON OFFICIAL GOVERNMENT WEBSITES INSTEAD OF IN NEWSPAPERS

WHEREAS, Title 35 of the New Jersey Revised Statutes establishes that, wherever publication of a legal notice of any kind is authorized by or required of a governmental entity, said notice must be published in the 'official newspaper' of the governmental entity; and

WHEREAS, permitting the publication of legal notices on the Internet instead of in newspapers will make these notices more easily accessible to the public, thereby promoting transparency and increased public participation in government; and

WHEREAS, permitting the publication of legal notices on the Internet instead of in newspapers will save government entities significant sums of money; and

WHEREAS, the Borough is aware of legislative efforts to amend Title 35 of the New Jersey Revised Statutes to permit governmental entities to publish legal notices on official government notice websites instead of in newspapers; and

WHEREAS, the Borough fully supports these legislative efforts and wishes to formally express this support.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin, in the County of Sussex, and State of New Jersey as follows:

1. The Borough of Franklin hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would permit governmental entities to publish legal notices on official government notice websites instead of in newspapers.
2. The Borough of Franklin hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would

permit governmental entities to publish legal notices on official government notice websites instead of in newspapers.

3. A certified true copy of this Resolution upon its adoption shall be furnished to State Senator Steven V. Oroho, State Assemblyman Parker Space, and State Assemblyman Harold J. Wirths.

4. A certified true copy of this Resolution upon its adoption shall be furnished to the Governor of 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, County of Sussex, State of New Jersey at a regular meeting held on , 2022

Darlene J. Tremont, Municipal Clerk

NOT YET APPROVED BY COUNCIL

Borough of Franklin, County of Sussex

Resolution #2022-51

AUTHORIZATION TO PROVIDE POND WEED MANAGEMENT

WHEREAS, the Mayor and Council of the Borough of Franklin has heretofore established certain Sewer/Water budget expenditures for 2022 so that WEED MANAGEMENT at the pond can be maintained; and

WHEREAS, the following vendor is an authorized supplier, and has rendered the most favorable price quote, for the years 2022 and 2023;

Aquaclear LLC. \$12,877/annually for years 2022 and 2023

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin does hereby authorize the execution of the necessary purchase order to secure the services provided by Aquaclear LLC.; and

BE IT FURTHER RESOLVED that upon receipt, inspection and approval of voucher therefore by the using agency, payment, pursuant to said purchase order, are hereby authorized with the same to be charged against funds established in the 2022 Water/Sewer Fund Budget account for said purpose; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Aquaclear LLC., PO Box 143, Layton, NJ 07851

AS REQUIRED by N.J.S.A.40A:4-57,N.J.A.C.5:34-5.1 ET SEQ, I, Andrew Bernath, Treasurer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

Andrew Bernath, CFO/QPA

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 , 2022

Darlene J. Tremont, Municipal 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 #2022-52

AUTHORIZATION TO PROVIDE FOR STREET SWEEPING

WHEREAS, the Mayor and Council of the Borough of Franklin has heretofore established certain current budget expenditures for 2022 so that the roads can be maintained; and

WHEREAS, the following vendor is an authorized supplier, and has rendered the most favorable price quote:

Prism Maintenance, Inc. \$6800.00

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin does hereby authorize the execution of the necessary purchase order to secure the service provided by Prism Maintenance, Inc.: and

BE IT FURTHER RESOLVED that upon receipt, inspection and approval of voucher therefore by the using agency, payment, pursuant to said purchase order, are hereby authorized with the same to be charged against funds established in the 2022 Current Fund Budget account for said purpose: and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Prism Maintenance, Inc., PO Box 2220, Wayne, New Jersey 07474-2220.

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 April 12, 2022

Darlene J. Tremont, Municipal 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)				