

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting, on Monday, December 6, 2021. Mayor Mike Ferri opened the meeting, at approximately 7:00 pm, in accordance with the “Open Public Meeting Act” Chapter 231, P.L. 1975 having been duly advertised and a copy posted in the office of the Township Clerk.

Following the flag salute, a **ROLL CALL OF COMMITTEE MEMBERS PRESENT:** Bonnie Butler, Rich Herzer, Mike Toretta, Mayor Mike Ferri, (4) Present.

Present: Denise L. Becton, Municipal Clerk, Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Joe Biel DPW DPW Foreman, Jim Onembo, Zoning, Raymond Read, OEM

Mayor Ferri opened the floor to John Mooney from Nisivoccia in attendance this evening for introduction purposes. Mr. Mooney’s firm will be appointed as Municipal Auditors for 2022.

CONSENT AGENDA:

(One Roll Call to approve the following agenda items 2-3)

2. APPROVAL

- a. Meeting Minutes **RE: November 1, 2021**
- b. Executive Meeting Minutes **RE: November 1, 2021**

3. RESOLUTIONS – FIRST READING/ADOPTION

- a. Res. 2021-64 **RE: Governing Body Certification of Compliance with the United State EEOC “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”**
- b. Res. 2021-65 **RE: FORM 1B – Franklin/Mansfield/Washington Municipal Alliance Grant Cycle October 2020-June 2025**

The approval of the above **Consent Agenda** on motion by Committeeperson Mike Toretta and seconded by Committeeperson Rich Herzer.

Roll Call Vote	Yes	No	Absent/Abstained
Mayor Mike Ferri	X		
Bonnie Butler	X		
Michael Toretta	X		
Richard Herzer	X	(4)Yes (0) No	(0) Absent Motion carried

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-10

ORDINANCE 2021-10

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN
AMENDING CHAPTER 90 OF THE CODE OF THE TOWNSHIP OF FRANKLIN
ENTITLED, “LAND USE AND DEVELOPMENT” TO REVISE SECTION 90-54 WITH
RESPECT TO THE KEEPING OF FARM ANIMALS**

On motion by Rich Herzer and seconded by Bonnie Butler to open Public Hearing.

Public Comments - Nancy Miller inquired as to roosters. Mayor informed they are only allowed unless it is on a farm.

On motion by Bonnie Butler and seconded by Mike Toretta to close the Public Hearing.

On motion by Committeeperson Bonnie Butler and seconded by Committeeperson Mike Ferri the
aforenoted Ordinance 2021-10 be adopted at final reading.

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X	(4) Yes	(0) No	(0) Absent Motion carried

FIRST READING/ADOPTION – Resolution 2021-64

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

**TOWNSHIP OF FRANKLIN
WARREN COUNTY, NEW JERSEY**

RESOLUTION NO. 2021-64

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township of Franklin Committee, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

On motion by Mike Toretta and seconded by Rich Herzer the aforenoted **Resolution 2021-64** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mayor Mike Ferri	X	(4) Yes	(0) No	(0) Absent Motion Carried

**I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED
AT THE MEETING HELD ON November 1, 2021.**

Denise L. Becton, Municipal Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTOCOPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF WARREN

We, members of the governing body of the Township of Franklin being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township of Franklin Committee in the county of Warren.
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012).
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history.
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.) Mike Ferri, Mayor	(L.S.)
(L.S.) Mike Toreta, Deputy Mayor	(L.S.)
(L.S.) Bonnie Butler, Committeeperson	(L.S.)
(L.S.) Rich Herzer, Committeeperson	(L.S.)
(L.S.)	(L.S.)

Sworn to and subscribed before me this
6th day of December 2021
Notary Public of New Jersey

Denise L. Becton, Municipal Clerk

The Municipal Clerk) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

FIRST READING/ADOPTION – Resolution 2021-65

**FORM 1B
RESOLUTUION 2021-65**

WHEREAS the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Town Council of the Town of Franklin County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Town of Franklin, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Franklin/Mansfield/Washington Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$938.00
Cash Match	\$234.50
In-Kind	\$703.50
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
(Mike Ferri), Mayor of Franklin Township Committee

On motion by Mike Toretta and seconded by Rich Herzer the aforementioned **Resolution 2021-65** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X	(4) Yes	(0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Town of Franklin, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Committee on this 6th day of December 2021.

(Denise L. Becton), Municipal Clerk

NEW BUSINESS

FIRST READING/ADOPTION – Resolution 2021-66

RESOLUTION 2021-66

**TOWNSHIP COMMITTEE
FRANKLIN TOWNSHIP
COUNTY OF WARREN, STATE OF NEW JERSEY
TO EXECUTE AN INTERLOCAL AGREEMENT WITH
WASHINGTON BOROUGH FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Franklin is mandated by statute to have an Animal Control Officer (“ACO”); and

WHEREAS, the Borough of Washington has proposed an Interlocal Service Agreement pursuant to which the Borough would supply the Township with an ACO to perform all statutory responsibilities required of that position; and

WHEREAS, the Franklin Township Committee has determined it to be in the best interest of the residents of the Township to enter into the Interlocal Service Agreement with the Borough for the provision of ACO services to the residents.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin, Warren County, New Jersey, that Mayor and Clerk be and hereby are authorized, pursuant to N.J.S.A. 40A:65-5, to enter into and execute the Interlocal Service Agreement with the Borough of Washington, a copy of which shall be appended hereto as an attachment.

On motion by Mike Toretta and seconded by Rich Herzer the aforementioned **Resolution 2021-66** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X	(4) Yes	(0) No (0) Absent Motion Carried

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Town of Franklin, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Committee on this 6th day of December 2021.

Denise L. Becton, Municipal Clerk

REVIEW/APPROVAL – Space Farms Zoo and Museum, Deer Carcasses Removal Contract for 2022

On motion by Mike Toretta and seconded by Rich Herzer to authorize execution of the agreement with Space Farms for deer carcass removal for 2022.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
Rich Herzer	X		
Michael Toretta	X		
Mayor Mike Ferri	X	(4) Yes	(0) No (0) Absent Motion Carried

REPORTS/UPDATES

Attorney Report – No formal report submitted

Kober's Property Solar Project had a little push back from the state with Highlands issues. In Rem Tax Foreclosures, following up regularly hoping to file by early next year.

Engineer Report – No formal report submitted

Montana Retaining Wall contracts are back, and a pre-con meeting will be scheduled. Good Springs Road drainage design has been modified and working with the owners to rectify. DPW Foreman has been in contact with Tom Bartha as to their role with this matter and have spent at least a full day on site. Millbrook Road Section II a second grant was received in the amount of \$87,600. Engineer considering additional phases for this project to help reduce out of pocket cost for the township. Will need to sit down with the CFO and Foreman to address further. NRCS EWP Grant for Shurts Road and the damage after the Ida storm. This grant is specific to stream erosion and adjacent issues. An estimate will be submitted by December 20th. 25% commencement is the responsibility of the township, and we can elect to dropout before spending any money. MWA has matching funds available as well for the same project.

Open Space Commission

Committeeman Herzer informed, no meeting

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo updated the committee as to zoning matters throughout the township this past month. Wedding Venue at 170 Bloomsbury Road, court postponed hearing until January 6, 2022, as well as for 45 Halfway House Road and abandoned cars. Discussion as to a piece of property behind a home on Bryan Road being used by deer hunters as a ROW. Collection of COAH Residential Fees for the Habitat for Humanity homes on Beidleman Road, per Attorney Benbrook the township does not have a Residential Development Fee.

Recycling – No formal report submitted

Fire Department/EMS – Karen Chiu

No report given to Karen from Chief.

Office of Emergency Management – Raymond Read, OEM

Mr. Read is working on the Emergency Operations Plan that is due in February. Several Generator Grants have been applied for and hoping to see some reimbursements shortly.

Franklin Township Community Center – Eddy Patient – No formal report submitted

DPW REPORT – Joe Biel

Sidewalk repairs have been completed. We are down two trucks but are ready for the potential winter weather on Wednesday. The new hires have been educated with the roads and snow routes.

Franklin Township Youth Association – No one present

Musconetcong River Management Council – MRMC – Beth Barry – not present

NJSP- no representation present

Township Committee Reports:

Rich Herzer –

Committeeman Herzer informed there is a meeting scheduled on the 9th with the DEP to address guidelines prior to addressing the public affected as to the Dioxane matter. Mayor Ferri asked to keep our Assessor informed as to the number of homes affected for tax appeal purposes.

Mike Toretta – Nothing further to report

Bonnie Butler-

Committeeperson Butler inquired as to a Storm Recovery Trust to be setup. Further discussion to ensue at the Year End Meeting with the CFO.

Mike Ferri, Mayor – Nothing further to report

At this time, the floor was open to Public Session at approximately 8:09 pm

OPEN PUBLIC SESSION

Karen Chiu – Approximately 250 people attend the Holiday Tree Lighting and thank you to our mayor for speaking. Ms. Chiu is looking to incorporate additional community events. She was advised to reach out to our Community Center Coordinator.

Christina Podobed – Informed that she is having problems with her neighbor, loud music and a spotlight that shines into her home. She has addressed this matter with our Zoning Officer, Mayor and the NJSP. Our Zoning Officer can't address these issues unless he witnesses same, as per Attorney Benbrook this will have to be addressed in our Court and filing individual complaints. As to the dog waste she should reach out to the WC Health Department.

Nancy Miller inquired that there is a light ordinance on our books, attorney informed that this is a Land Use Code not for residential.

Close the floor to Public Session at 8:34 pm

EXECUTIVE SESSION

BE IT RESOLVED on this 6th day of December 2021, by the Township Committee of the Township of Franklin and pursuant to N.J.S.A. 10:4-1, that the Township Committee shall discuss the following matter in executive session

Personnel - Employees

It is not possible at this time for the Township Committee to determine when and under what circumstances the item which is to be discussed in executive session can be publicly disclosed.

THEREFORE, be it resolved on this 6th, day of December 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:40 pm.

On Motion by Bonnie Butler and seconded by Mike Ferri to exit to executive session at 8:40 p.m. Unanimous Vote.

On motion by Bonnie Butler and seconded Mike Ferri to return to the regular session at 9:11 p.m. Unanimous Vote.

MOTION FOR PAYMENT OF BILL LIST:

On motion by Bonnie Butler and seconded by Rich Herzer, to pay, the Bills List as submitted by the CFO, accordingly.

Roll Call:	Yes	No	Absent/Abstained	
Bonnie Butler	X			
Rich Herzer	X			
Michael Toretta	X			
Mike Ferri, Mayor	X			
		(4) Yes	(0) No	(0) Absent Motion carried

MOTION FOR ADJOURNMENT:

On motion by Mike Toretta and seconded by Rich Herzer, hearing no objection, meeting stands adjourned at 9:16 pm.

Roll Call:	Yes	No	Absent	Abstained	
Bonnie Butler	X				
Rich Herzer	X				
Michael Toretta	X				
Mike Ferri, Mayor	X				
		(4) Yes	(0) No	(0) Absent	Motion carried

Respectfully submitted,

Denise L. Becton, RMC/CMR
Municipal Clerk