

# REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular monthly meeting on Monday, February 6, 2023, at the hour of approximately 7:00 p.m. Denise L. Becton, Municipal Clerk, opened the meeting 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, **Roll Call of Committeepersons present:** Bonnie Butler, Mike Ferri, David Guth, Richard Herzer, Mike Toretta (5)Yes, (0) No, (0) Absent.

**Present were:** Kevin Benbrook, Municipal Attorney, Jim Onembo, Zoning/Code Enforcement Officer, Joe Biel, DPW Foreman, Denise L. Becton, Municipal Clerk

## **CONSENT AGENDA:**

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

### **2. APPROVAL OF MINUTES**

- a. Re-Org Meeting                   **RE: January 4, 2023**
- b. Executive Meeting               **RE: January 4, 2023**
- c. Social Affair Permit           **RE: Franklin Twp. Fire Dept. Station #3,  
Aug. 11<sup>th</sup> 4-9pm & Aug. 12<sup>th</sup> 9am-4pm**

### **3. RESOLUTIONS – FIRST READING/ADOPTION**

- a. Res. 2023-24                   **RE: Resolution authorizing the Tax Assessor  
to file tax appeals on behalf of the Township of  
Franklin**

On motion by David Guth and seconded by Mike Ferri the above Consent Agenda items were approved. All in favor, unanimous vote.

**INTRODUCTION/ADOPTION of:**

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

### **RESOLUTION NO. 2023-24**

#### **RESOLUTION AUTHORIZING THE TAX ASSESSOR TO FILE TAX APPEALS ON BEHALF OF THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, the Mayor and Committee of the Township of Franklin are aware that the Tax Assessor of the Township of Franklin may be required from time to time to correct errors made in computing the tax assessments of properties located within the Township; and

**WHEREAS**, the Mayor and Committee of the Township of Franklin are aware that the laws of New Jersey permit any taxpayer of the Township to file a Petition of Appeal with the Warren County Board of Taxation or to the Tax Court of the State of New Jersey to adjust this valuation of property or to correct errors made therein; and

**WHEREAS**, the municipality must be represented at such hearings by its Tax Assessor and by the Municipal Attorney who by law shall be authorized to settle such appeals with taxpayers of the Township of Franklin when it appears that such settlement is in the best interest of the Township and the Taxpayer; and

**WHEREAS**, in the event a settlement is reached, the laws of the State of New Jersey require that a Stipulation of Settlement be prepared memorializing the agreement which was reached which Stipulation must then be filed with the Warren County Board of Taxation; and

**WHEREAS**, the Tax Assessor of the Township of Franklin has requested the Mayor and Township Committee to enact a Resolution specifically authorizing the Tax Assessor to enter into agreements with taxpayers of the Township of Franklin to correct errors and to settle appeals including the authority to execute Stipulations of Settlement with taxpayers and appellants.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Franklin that the Tax Assessor is hereby authorized to adjust errors found in the tax assessments covering property within the Township of Franklin, negotiate and enter into settlements of appeals by taxpayers of their tax assessments and in all respects the Tax Assessor is authorized by law including the signing of all such stipulations and settlement agreements.

**BE IT FURTHER RESOLVED** that the Township Attorney of the Township of Franklin is hereby authorized to represent the Township in connection with all matters concerning the assessment of taxes including, but not limited to, negotiation of settlements, the preparation of settlement stipulations, and the signing of all documents as may be required by law on behalf of the Township of Franklin;

**AND BE IT FURTHER RESOLVED** that the Tax Assessor and the Township Attorney be and the same are hereby authorized to appear on behalf of the Township of Franklin before the Warren County Board of Taxation and the Tax Court of the State of New Jersey and to do and perform all lawful acts before such Board and Court on behalf of the Township of Franklin as may be provided by law including the authority to enter into settlement agreements and judgments by consent.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2023-24** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5)Yes (0) No	(0) Absent Motion carried

Dated: January 4, 2023

### **CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on February 6, 2023.

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, Municipal Clerk

**NEW BUSINESS**

**First Reading/Introduction of Ordinance 2023-3**

**TOWNSHIP OF FRANKLIN  
WARREN COUNTY, NEW JERSEY  
ORDINANCE NO. 2023-3**

**AN ORDINANCE ESTABLISHING A NEW CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED, “REGISTRATION OF RENTAL PROPERTIES AND BUSINESSES”**

**BE IT RESOLVED**, by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey that there is established a new Chapter 109 entitled, “Registration of Rental Properties and Businesses” with the following provisions.

SECTION I:

**CHAPTER 109  
“REGISTRATION OF RENTAL PROPERTIES AND BUSINESSES”**

**Article I.  
Business Insurance Registration**

109-1 – Business Insurance Registration Required.

It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Township without first registering its certificate of insurance demonstrating compliance with the requirements of N.J.S.A. 40A:10A-1, *et seq.*

109-2 – Entities Covered.

The following entities are required to register their certificate of insurance under this Chapter:

- A. Businesses, which for purposes of this Chapter shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Township. This shall include businesses operating on a temporary basis within the Township such as peddlers, solicitors, and transient vendors and temporary retail food establishments and mobile food units.
- B. Owners of single rental dwelling units.
- C. Owners of multiple dwelling rental units.
- D. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

109-3 – Registration Official.

The Township Clerk shall accept, approve, and file registration applications.

109-4 – Expiration and Renewals.

Registrations shall expire on December 31 of each year. Renewals of existing registrations must be submitted no later than December 1 of each year.

109-5 – Registration and Insurance Requirements.

Certificates of insurance in the minimum required amounts shall be submitted to the Township Clerk, together with the Business Registration Form provided by the Clerk.

109-6 - Violations and Penalties.

As provided in N.J.S.A. 40A:10A-1, any person or entity that violates the terms of this Chapter shall be subject to a fine of not less than \$500.00 but no more than \$5,000.00, plus any court costs.

## **Article II.**

### **Lead Paint Inspection Registration**

#### 109-7 - Definitions.

When used in this Article, all terms shall have the same meaning as defined in N.J.A.C. 5:28A-1.2, as the same may be amended from time to time.

#### 109-8 – Registration Requirements.

A. All owners of residential dwelling units within the Township shall submit to the Township Clerk the Residential Rental Registration Form provided by the Clerk, together with a lead-safe certification upon the earlier of (1) thirty (30) days following tenant turnover; or (2) July 22, 2024, consistent with N.J.A.C. 5:28A-2.4.

B. The following residential dwelling units shall be exempt from the submission of a lead-safe certification:

(1) Dwelling units constructed during or after 1978.

(2) Single and two-family seasonal rental dwelling units that are rented for less than six (6) months' duration each year by tenants that do not have consecutive lease renewals.

(3) Dwelling units that have been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17.

(4) Multiple dwelling units constructed prior to 1978 registered with the Department of Community Affairs for at least ten (10) years with no outstanding paint violations from the most recent cyclical inspection or that have a current certificate of inspection.

#### 109-9 – Lead Hazard Control Assistance Fund Fee.

A. A \$20.00 per unit fee shall be submitted to the Township Clerk with the initial lead-safe certification and with each renewal certification.

#### 109-10 – Inspection by Township.

B. In the event the owner of a residential dwelling unit subject to this Article fails to submit a lead-safe certification, the Township shall perform an inspection in conformance with the procedures set forth in N.J.A.C. 5:28A-2.3 utilizing a qualified staff member or a certified lead evaluation contractor hired by the Township.

C. The Township shall charge the dwelling unit owner a fee sufficient to cover the cost of the periodic lead-based inspection, including the cost of hiring a lead evaluation contractor, where applicable. The fee shall be certified by and established in a Resolution adopted by the Township Committee with respect to each unit that is inspected. In the event any fee so established remains unpaid, the certified fee shall be provided to the Township Tax Collector and established as a lien on the property wherein the dwelling unit is situate.

D. If a lead-based paint hazard is identified in an inspection, the owner of the dwelling unit shall be responsible for remediation to be conducted consistent with the requirements of N.J.A.C. 5:28A-2.5.

E. If the owner of a dwelling unit fails to cure any violation by conducting the required inspection or initiating any required remediation effort within thirty (30) days of written notice of said violation, the owner shall be subject to a penalty, not to exceed \$1,000.00 per week, in accordance with the enforcement provisions of N.J.A.C. 5:28A-4.1.

#### 109-11 – Recordkeeping Requirements.

The owner of a dwelling unit subject to this Article shall provide to each tenant and to the Township evidence of a valid lead-safe certification at the time of tenant turnover and shall affix a copy of each such certification to each tenant lease.

## **Article III.**

### **Residential Rental Property Registration**

#### 109-12 – Registration.

A. Rental Unit shall mean a dwelling unit which is available, or kept, or used, or maintained, or advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals (excluding the owners parents and/or children) and including but not limited to one-family homes, two-family homes, three-family homes, etc., as well as individual apartments located within apartment complexes.

B. Each and every rental unit shall hereafter be registered with the Township Clerk on forms which shall be provided for that purpose, and which shall be obtained from the office of the Township Clerk. The initial registration shall be renewed within twenty (20) days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter. This registration does not mean approval for the use and occupancy. A certificate of occupancy is required for each unit, as well as a continued certificate of occupancy upon a change of occupancy of a unit.

#### 109-13 - Contents of registration form.

A. Every owner of a rental unit shall file annually with the Township Clerk the registration form included as Appendix A at the end of this Chapter for each unit contained within a building or structure which shall include the following information:

- (1) The name and address of each record owner or owners of the premises and each record owner or owners of the rental business if not the same persons. In the case of a partnership the names and address of all general partners shall be provided, together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and all corporate officers of said corporation, shall be provided, together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and the evening hours.
- (2) If the address of any record owner is not located in Franklin Township, the name and address of a person who resides in Warren County who is authorized to accept notices from a tenant or a Township representative and to issue receipts therefor and to accept service of process on behalf of the record owner.
- (3) The name and address and telephone numbers of the agent of the premises indicating where such individuals may be reached both during the day and evening hours.
- (4) The name and address and telephone numbers, including the dwelling unit number of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any. For each such individual, a statement as to where such individual may be reached both during the day and evening hours shall be provided.
- (5) The name, address and telephone number of an individual representative of the owner or agent may be reached or contacted at any time in the event of any emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- (6) The name and address of every holder of a recorded mortgage on the premises.
- (7) If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- (8) As to each rental unit, the name and age, including children, of every tenant of record as to each rental unit. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all tenants in each rental unit. This information shall be made available to the Board of Education and the Zoning Official/Local Enforcing Agency. This information shall otherwise remain confidential and shall not be available to the public.
- (9) Lead-Safe Certification.
- (10) Such other information as may be required by the Township.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Franklin in the County of Warren and State of New Jersey, held on February 6, 2023, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee on March 6, 2023.

*Denise L. Becton*

Dated: February 6, 2023

\_\_\_\_\_  
Denise L. Becton, RMC/CMR  
Municipal Clerk

On motion by Rich Herzer and seconded by Mike Ferri the aforementioned **Ordinance 2023-3** be adopted as read. Final reading and adoption to take place on March 6, 2023, at **7:00 p.m. or near that hour.**

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5) Yes	(0) No (0) Absent Motion carried

**CERTIFICATION**

I, Denise L. Becton, Registered Municipal Clerk of the Township of Franklin, County of Warren, State of New Jersey, do hereby certify that this a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at their regular meeting held on February 6, 2023. Second reading, a public hearing will be held on March 6, 2023, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, Municipal Clerk

**Discussions/Approvals**

**Tigar Property** – Attorney Benbrook informed that the Deed was executed by Mayor Toretta and the Survey has been completed by Engineer Finelli.

**Solar Request for Proposals (Brandywine/Beidleman Road) –**

On motion by Bonnie Butler and seconded by Rich Herzer to approve the RFP for Solar on township properties.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5)Yes	(0) No (0) Absent Motion carried

**Open Space Commission** – Mayor Toretta spoke with Peggy Housman as to the secretary position and would consider the same salary as received years past, committee would like to see the clerk paid per diem as there is not a lot of business. The mayor will research further, do not advertise for a meeting at this time. The Agricultural Advisory Committee must meet twice a year, per Committeeperson Butler these meetings will need to be advertised as well and minutes recorded. Mayor Toretta will also research this as well.

**Proposals for Redevelopment –**

Proposals for the Redevelopment Investigation and Redevelopment Plan for Block 34 Lot 20 (Playmaker’s) and Block 41 Lots 12, 12.01, 12.02 and Block 27 Lots 1 and 1.01 were submitted by KMA, Kyle + McManus Associates.

On motion by Bonnie Butler and seconded by Mike Ferri to approve the proposals as submitted.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5)Yes (0) No (0) Absent	Motion carried

**RESOLUTION 2023-25**

**RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWNSHIP OF FRANKLIN TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWNSHIP IS AN AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Township of Franklin ("Township") is authorized to direct the Land Use Board of the Township of Franklin ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Township would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain (“Condensation Redevelopment Area”); and

**WHEREAS**, the Township of Franklin does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Township of Franklin will not use eminent domain; and

**WHEREAS**, the Township Committee desires the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Township, more specifically identified as Block 34, Lot 20, as shown on the Official Tax Map of the Township of Franklin (the "Property"); and

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Franklin, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Township of Franklin is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Township of Franklin is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area

in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and

3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

**BE FURTHER IT RESOLVED** that this resolution shall take effect immediately.

On motion by Bonnie Butler and seconded by Mike Ferri the aforementioned **Resolution 2023-25** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5)Yes	(0) No (0) Absent Motion carried

Dated: February 6, 2023

### Certification

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township of the Committee of the Township of Franklin on February 6, 2023.

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, RMC/CMR  
Municipal Clerk

### RESOLUTION 2023-26

#### RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWNSHIP OF FRANKLIN TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWNSHIP IS AN AREA IN NEED OF REDEVELOPMENT

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Township of Franklin ("Township") is authorized to direct the Land Use Board of the Township of Franklin ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Township would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

**WHEREAS**, the Township of Franklin does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Township of Franklin will not use eminent domain; and

**WHEREAS**, the Township Committee desires the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Township, more specifically identified as Block 41, Lots 12, 12.01, 12.02 and Block 27, Lots 1 and 1.01, as shown on the Official Tax Map of the Township of Franklin (the "Property"); and

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Franklin, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Township of Franklin is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Township of Franklin is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

**BE FURTHER IT RESOLVED** that this resolution shall take effect immediately.

On motion by Bonnie Butler and seconded by Mike Ferri the aforementioned **Resolution 2023-26** be adopted as read.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstained</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5)Yes	(0) No (0) Absent Motion carried

Dated: February 6, 2023

**Certification**

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township of the Committee of the Township of Franklin on February 6, 2023.

*Denise L. Becton*

\_\_\_\_\_  
Denise L. Becton, RMC/CMR  
Municipal Clerk

**OLD BUSINESS**

**Public Hearing - Ordinance 2023-1**

**ORDINANCE 2023-1**

**ORDINANCE TO AUTHORIZE CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS IN THE ROADWAYS OF THE TOWNSHIP OF FRANKLIN**

On motion by Mike Ferri and seconded by David Guth to open the Public Hearing.

No Public Comments

Close Public Comments on motion by Rich Herzer and seconded by David Guth.

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

On motion by David Guth and seconded by Rich Herzer the aforementioned **Ordinance 2023-1** be adopted.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Bonnie Butler	X			
David Guth	X			
Rich Herzer	X			
Michael Ferri	X			
Mike Toretta, Mayor	X	(5) Yes	(0) No (0) Absent	Motion carried

**Public Hearing - Ordinance 2023-2**

**ORDINANCE NO. 2023-2**

**FRANKLIN TOWNSHIP**

**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE BY THE FRANKLIN TOWNSHIP COMMITTEE AMENDING THE TOWNSHIP OF FRANKLIN CODE OF ORDINANCES TO REPEAL CHAPTER 80 FLOOD DAMAGE PREVENTION AND TO ADOPT A NEW CHAPTER 80 ENTITLED FLOODPLAIN MANAGEMENT AND ADOPTING FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

On motion by Mike Ferri and seconded by Rich Herzer to open the Public Hearing.

No Public Comments

On motion by Rich Herzer and seconded by Mike Ferri to close the Public Hearing.

On motion by Mike Ferri and seconded by David Guth the aforementioned **Ordinance 2023-2** be adopted.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Bonnie Butler	X			
David Guth	X			
Rich Herzer	X			
Michael Ferri	X			
Mike Toretta, Mayor	X	(5) Yes	(0) No (0) Absent	Motion carried

**REPORTS/UPDATES**

**Engineer** – Engineer Finelli informed that the projects for Millbrook Road DOT Grants, Phase I, II, III, Phase I should be paved this spring. As to Phase II and III he will incorporate a letter to show the grant funds received and if there is any shortfall to complete all phases. The 1,4 Dioxane Water Project, Donna Becker arranged to meet with all residents affected, seal or keep their wells for agricultural purposes only and the location of the connection to their homes. The NJDEP’s MS4 Stormwater Management reassignment from Tier B to Tier A will cost our township a lot of additional monies to implement all the changes. We should budget for additional fees in our budget workshop, noting this should not impact us until 2024.

**Attorney** – Attorney Benbrook reached out to the adjustor for Samson Concrete & Masonry as to when we can expect a check in the amount of \$20,000 which represents the demand for payment under the Bid Bond due to their rescind of their bid to the Shurts Road Project. Also, Attorney Benbrook will work with Committeeperson Butler and the additional updates for our Personnel Policy Manual.

**Open Space-** No representation

**Zoning Officer-** Report submitted and on file.

**Recycling Coordinator** – No report submitted.

**Fire Department/EMS** – Chief Brown present informed there were a total of 8 fire calls in the month of January, 2 of which were mutual aid responses. EMS had a total of 65 calls and responded to 20; 25 calls were in Franklin, 1 in Harmony, 11 in Washington, 16 in Greenwich, 11 in Phillipsburg, 1 other. Committeeperson Herzer informed that our Community Center is available for their use for training and should reach out to Eddy Patient to coordinate. Karen Chiu informed that the squad gets out to most calls in our primary coverage area.

**DPW- Joe Biel** – Report submitted.

**OEM/911 Coordinator** – Deputy OEM Guth informed of several classes attended between himself and OEM Tabert. Warming stations were available this past weekend but were not needed.

**FTYA-** no representation

**Committee Reports:**

**Bonnie Butler** – The attorney will implement a leaf/grass ordinance for next month’s meeting. Committeeperson Butler would also like to see in our Code, an ordinance addressing the removal of garbage cans from all streets once garbage/recycle has picked up. REM Foreclosure properties would like to get these properties except for The Tigar Property and Playmaker’s auctioned off.

On motion by Bonnie Butler and seconded by Rich Herzer to proceed with the Fiedler Agreement to auction off the foreclosed properties not including Tigar/Playmaker’s properties.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X		
Mike Toretta, Mayor	X	(5) Yes	(0) No (0) Absent Motion carried

A concern as to who is responsible to keep track of the 1,4 Dioxane Project funds to request reimbursement, this should be submitted every quarter. Engineer Finelli will have Donna Becker keep track of this. Committeeperson Butler has been in contact with The Land Conservancy as to the Farmland Plan, this must go before the Land Use Board as well as the Agricultural Advisory Committee. Mayor Toretta will coordinate a meeting.

**Rich Herzer** – Committeeperson Herzer spoke with Regina at the WC Office of Aging and would like to coordinate efforts with our Community Center and funds from the Lions Club for senior activities. Need to coordinate this with Eddy Patient.

**David Guth** - Nothing further to report.

**Mike Ferri** – Nothing further to report.

**Michael Toretta** – Nothing further to report.

**Open Public Session:**

At approximately 8:18 p.m. opened the floor to the Public. Unanimous vote.

Janis Liepins is in favor of redevelopment not warehouses.

Hearing nothing further from the public, Open Public Session was closed at 8:22 p.m. Unanimous vote.

At this time, the committee will commence into an Executive Session on motion by Mike Ferri and seconded by Rich Herzer at 8:22 p.m.

**EXECUTIVE SESSION**

**BE IT RESOLVED** on this 6th day of February 2023, 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 – Tax Collector’s Office  
Contract Negotiations – Shared Services

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 February 2023 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:22 p.m.

On Motion by Mike Ferri and seconded by Rich Herzer to exit to executive session at 8:22 p.m. Unanimous Vote.

On motion by Bonnie Butler and seconded Rich Herzer to return to the regular session at 8:55 p.m. Unanimous Vote.

Attorney Benbrook summarized the executive session discussions. Shared Services will make some changes. The committee will advise the clerk as to their two top choices from resumes received for the Tax Collector’s position so the mayor and Committeeperson Butler can interview. Also how the DPW will deal with the call in time and the new biometric timeclock.

On motion by Bonnie Butler and seconded by Mike Ferri to approve the bills to be paid once received by the CFO and initialed by the township committee.

<b>Roll Call Vote</b>	<b>Yes</b>	<b>No</b>	<b>Absent/Abstain</b>	
Bonnie Butler	X			
David Guth	X			
Rich Herzer	X			
Michael Ferri	X			
Mike Toretta, Mayor	X	(5) Yes	(0) No	(0) Absent Motion carried

On motion by Bonnie Butler and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 8:57 p.m.

Respectfully submitted,

Denise L. Becton, RMC/CMR  
Municipal Clerk