

REGULAR MONTHLY MEETING

The Franklin Township Committee held their regular monthly meeting on Monday, July 3, 2023, at the hour of approximately 7:00 p.m. Mayor Mike Toretta, 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, Mayor (5)Yes, (0) No, (0) Absent

Present were: Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Joe Biel DPW Foreman, Denise L. Becton, Municipal Clerk

CONSENT AGENDA:

(One Roll Call to approve the following agenda items 1-2)

1. APPROVAL

- a. Meeting Minutes RE: June 5, 2023
- b. Executive Minutes RE: June 5, 2023

2. RESOLUTIONS

- a. Resolution 2023-44 RE: NJDOT approval to submit Grant application-Good Springs/Willow Grove Road Resurfacing Project
- b. Resolution 2023-45 RE: NJDOT approval to submit Grant application-Willow Grove Road Resurfacing Project
- c. Resolution 2023-46 RE: Hire and Open Space/Agricultural Advisory Clerk
- d. Resolution 2023-47 RE: Lead Grant Paint Assistance Program

On motion by Committeepersons David Guth and seconded by Bonnie Butler the above Consent Agenda items were approved. *Let the record reflect that Mike Ferri abstained from the Regular/Executive meeting minutes of June 5th only.

Roll Call Vote	Yes	No	Absent/Abstained
Bonnie Butler	X		
David Guth	X		
Rich Herzer	X		
Michael Ferri	X*		
Mike Toretta, Mayor	X	(4)Yes (0) No (1) Absent	Motion carried

INTRODUCTION OF: RESOLUTION 2023-44 thru RESOLUTION 2023-47

Resolution 2023-44

Franklin Township, Warren County RESOLUTION 2023-44

Approval to submit a Grant application and execute a grant contract with the New Jersey Department of Transportation for the Good Springs Road and Willow Grove Road Resurfacing project.

WHEREAS, Franklin Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Franklin,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Franklin formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2024-Good Springs Road and Willow Grove R-00082** to the New Jersey Department of Transportation on behalf of the Township of Franklin.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Committee
On this 3rd day of July, 2023.

Denise L. Becton

Municipal Clerk

On motion by David Guth and seconded by Bonnie Butler the aforementioned **Resolution 2023-44**
be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
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: July 3, 2023

Resolution 2023-45

**Franklin Township, Warren County
RESOLUTION 2023-45**

Approval to submit a Grant application and execute a grant contract with the New Jersey Department of Transportation for the Willow Grove Road Resurfacing project.

WHEREAS, Franklin Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Franklin,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Franklin formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2024-Willow Grove Road Resurfacing-00081** to the New Jersey Department of Transportation on behalf of the Township of Franklin.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Committee
On this 3rd day of July, 2023.

Denise L. Becton

Municipal Clerk

On Motion by David Guth and seconded by Bonnie Butler the aforementioned **Resolution 2023-45** be adopted as read.

Roll Call Vote	Yes	No	Absent/Abstained
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: July 3, 2023

Resolution 2023-46

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

RESOLUTION NO. 2023-46

**RESOLUTION TO HIRE AN OPEN SPACE AND
AGRICULTURAL ADVISORY CLERK**

BE IT RESOLVED that the Township of Franklin hire the following:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Denise L. Becton	Open Space/Ag Adv. Clerk	\$3,000.00/annual

On motion by David Guth and seconded by Bonnie Butler the aforementioned **Resolution 2023-46** be adopted/retroactive effective January 1, 2023 as read.

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

Resolution 2023-47

**RESOLUTION #2023-47
AUTHORIZING APPLICATION TO LEAD GRANT ASSISTANCE PROGRAM
LEAD GRANT ASSISTANCE PROGRAM**

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;” and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act.

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182.

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of, Franklin Township, Warren County, NJ does hereby authorize the Mayor, Mike Toretta, to sign the attached grant agreement, and thus bind (name of municipality) to the grant agreement’s terms in order to receive the \$ _____ grant from the DLGS;

On motion by David Guth and seconded by Bonnie Butler the aforementioned **Resolution 2023-47** be adopted as read.

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

NEW BUSINESS

Discussions/Approvals

Sprinkler System Inspection – Inspection Proposal after repair/replacement of Water Motor Gong

A separate proposal was received from RJM to perform an inspection after they repair/replace the water motor gong this Friday in the amount \$725.00. The committee approving this proposal from RJM of Phillipsburg, NJ as well as future annual sprinkler inspections at the same cost of \$725 annually.

On Motion by Committeepersons Bonnie Butler and seconded by Mike Ferri to authorize/approve the proposal of \$725 and for annual sprinkler inspections.

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

Replacement of Clerk’s home laptop

The municipal clerk’s home laptop has been overheating, shutting down, noise issues. The clerk uses the laptop on her days off to keep up with work and monitor phones/emails. IT recommends due to hardware issues and the laptop being 10 + years old, to replace at an estimated cost of approximately \$2,150.00 including a 5-year accidental warranty.

On Motion by Committeepersons David Guth and seconded by Mike Ferri to replace the clerk’s home laptop.

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

OLD BUSINESS

PUBLIC HEARING:

**ORDINANCE 2023-7
SALARY ORDINANCE
FRANKLIN TOWNSHIP, WARREN COUNTY, NJ**

Motion to open the public hearing – on motion by Committeepersons Butler seconded by Mike Ferri. All in favor.

Public Comments – no comments

On motion to close and adopt Ordinance 2023-7 by Committeepersons Mike Ferri and seconded by David Guth the aforementioned **Ordinance 2023-7** be adopted as read.

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

Clean Communities Grant – MWA Cleanup, 42 mile stretch along the Musconetcong River/Watershed

On motion by Committeepersons Bonnie Butler and seconded by Mike Ferri to authorize \$500 for this cleanup.

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

Introduction of: Ordinance 2023-4 Leaf Disposal

A model ordinance was drafted by the Municipal Attorney and circulated to the committee. Attorney Benbrook and Committeeperson Butler will work together to clean this up prior to the public hearing in August. The attorney will provide the clerk with a Notice of Introduction for advertisement purposes.

On motion by Committeepersons Mike Ferri and seconded by David Guth to introduce Ordinance 2023-4.

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

REPORTS/UPDATES

Engineer – Millbrook Road Section I complete. The NJDOT 2024 Grants have been submitted. Foreman Biel and Gene Weber will meet to discuss what is needed for The MS4 Stormwater Project. The 1, 4 Dioxane project continued progress, finalizing the Draft Construction Plan and will send to the NJAW, County, Fire Chief and Railroad for review/comment.

Attorney – Farm contracts on municipal property are expiring at the end of the 2023 harvest season for Santini, Truskowski, Woolf. The committee’s consensus is to send a certified letter in September to advise the farmers not to fertilize. After speaking with Mayor Toretta our tract of land has been included in the Foreclosure Notice with Tigar’s piece. Block 41 Lot 12.01 is Township owned. The attorney will put the Sheriff’s Department on notice that only Lot 12.02 should be sold at the sale and move forward with the foreclosure process. A discussion with Attorney Mark Bellin as to solar and an easement coming down Whites Road will require communication with the committee. Engineer Finelli will follow up as to the vacation status history to the upper portion of this road. Attorney will follow up with Fiedler as to the auction of Redevelopment properties and Redevelopment designation for the Hunter’s property on Rt. 57.

OEM/911 Coordinator – Deputy Guth - The quarterly report for Temporary Debris Management has been submitted to the County. The 2022 EEMA Grant money should be received hopefully this month.

DPW- Joe Biel – Report submitted/filed – Oil/Chip a list of roads from American Rescue Funds, add Millbrook Road to the list. Washington Township DPW is overlaying their portion of Cemetery Road. Engineer Finelli will coordinate with Washington to include the small portion of this road located in Franklin Township.

Open Space- Beth Barry- absent

Zoning Officer – absent

Recycling Coordinator – absent

Fire Department/EMS – no one present.

FTYA- no representation

FTCC – no representation

Committee Reports:

Bonnie Butler – The Tax Collector and CFO are coordinating the Edmunds software transition. Per The Land Conservancy there is no minimum requirement as to Open Space Tax collection for PIG Funds.

A motion was made by Committeeperson Butler and seconded by Committeeperson Ferri to seek an advisory opinion of the Local Finance Board if there is a conflict if an active township committeeperson can hold a paid position in the municipality that they are elected.

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler	X			
Rich Herzer		X*		
David Guth			X	
Mike Ferri	X			
Mike Toretta, Mayor carried		X	(2) Yes (2) No (1) Abstained	Motion

*Let the record reflect that Committeeperson Herzer first abstained. After the vote of the committee, Attorney Benbrook informed Committeeperson Herzer could change his vote to no. This motion did not carry.

Rich Herzer –A stray cat fee billed this month by Dr. Blease are we obligated to pay the veterinarian for this cost? The township is obligated.

David Guth – Nothing further to report.

Mike Ferri – Nothing further to report.

Michael Toretta – Nothing further to report.

Open Public Session:

At approximately 7:45 p.m. Mayor Toretta opened the floor to the Public. Unanimous vote.

Basil Imbimbo showed his disapproval of the warehouse application being approved by our Land Use Board. Mr. Imbimbo was corrected that this application has not been approved. Warren County held a meeting pertaining to a truck route in its planning stages. The county informed that Franklin Township has jurisdiction over county roads. Mr. Imbimbo was corrected that the Township does not have jurisdiction over county roads. Neil Cody invited the committee to see what they put up with traffic and speeding through town. Committeeperson Butler advised that the proposal for a crosswalk/3-way stop was sent to the county in hopes to slowing down traffic on Old Main Street, but, wasn't entertained by the county. Attorney Benbrook informed that we can attempt to resubmit this plan to the Warren County Administrator, Alex Lazorisak with a copy to the County Commissioner's office to see if we can get anywhere this time. Mike Kypridakas addressed Kitchen Road, during the last rainstorm mud/debris were flowing down the road. Is there a way to divert the water from some driveways to the creek and not the road? Mr. Cody addressed posting larger signs and additional posting of No Jake Braking Signs. Deputy Mayor Guth informed that selected forces of the NJSP are in Asbury addressing traffic hazards and issuing summonses.

Karen Chiu and Chris Brown joined the meeting and had nothing further to report for fire/ems.

Hearing no other public comments, the floor was closed at 8:12 p.m.

At this time, the committee will commence into an Executive Session on motion by Committeeperson Mike Ferri and seconded by Rich Herzer at 8:12 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 3rd day of July 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 – DPW Road Laborer position/DPW Contract-Union/Policy Manual)
Contract Negotiations-Municipal Court 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 3rd day of July 2023 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:12 p.m.

On motion by Committeeperson Rich Herzer and seconded by Bonnie Butler to exit to executive session at 8:40 p.m. returning to regular session. Unanimous Vote.

On motion by Committeepersons Rich Herzer and seconded by Bonnie Butler to hire Mike Mecsey, to the position of DPW Road Laborer I, at a salary of \$51,000 effective August 1st and to authorize COBRA reimbursement for 90 days.

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

On motion by Committeepersons Mike Ferri and seconded by Bonnie Butler adopt the DPW Policy Supplement Manual as amended.

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

Attorney Benbrook will continue to negotiate with the Town of Belvidere for Shared Municipal Court services.

Adoption/Public Hearing:

Ordinance 2023-7

**SALARY ORDINANCE
TOWNSHIP OF FRANKLIN
WARREN COUNTY, NJ**

Motion to Open Public Hearing: On motion by Committeepersons Bonnie Butler seconded by Rich Herzer, Unanimous Vote.

Public Comments: none

Motion to Close/Adopt as amended:

On motion by Committeepersons Mike Ferri and seconded by David Guth the aforementioned **Ordinance 2023-7** be adopted as read and amended.

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

On motion by Committeepersons Bonnie Butler and seconded by Rich Herzer to approve the bills to be paid per CFO's bill list submitted.

Roll Call Vote	Yes	No	Absent/Abstain
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 Committeepersons Mike Ferri and seconded by Bonnie Butler, hearing no objection, meeting stands adjourned at 8:43 p.m.

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk