

**REGULAR MONTHLY
MEETING**
*****NOT OFFICIAL SUBJECT TO
REVISION*****

The Franklin Township Committee held their regular monthly meeting on Monday, August 14, 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 Municipal 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, Jim Onembo, Zoning Officer, Joe Biel DPW Foreman, Shawna Tabert, OEM, Denise L. Becton, Municipal Clerk

CONSENT AGENDA:

- 1. APPROVAL**
 - a. Meeting Minutes RE: July 3, 2023
 - b. Executive Minutes RE: July 3, 2023
 - c. Authorize Signers RE: Signature Cards for PNC Bank(Mayor, Municipal Clerk, CFO, LUB secretary)
- 2. EXECUTION OF**
 - d. MOU/Execution of RE: Memorandum of Understanding, Team Rubicon, coordination of debris removal, medical support, expedient home repairs due to storm related damages (execution by mayor)
 - e. BRT Proposal RE: Tax Assessment Software Contract (execution by mayor)
 - f. Balloon Launch/Balloon Port RE: WC Community College 9/23-24/2023, Rain Date 9/30-10/1/23 (execution of letter by mayor)
- 3. RESOLUTIONS**
 - a. Resolution 2023-48 RE: Group Affidavit (Certification of the 2022 Annual Audit)
 - b. Resolution 2023-49 RE: Corrective Action Plan (In accordance with the report findings of the 2022 Annual Audit to correct findings)
 - c. Resolution 2023-50 RE: Authorizing Payment In Lieu of Medical Benefits for Year August 1, 2022 – July 31, 2023 (Denise Becton)
 - d. Resolution 2023-51 RE: Debris, brush, noxious growth various township properties
 - e. Resolution 2023-52 RE: Tax Lien Redemption, 2092 Rt. 57, Block 15 Lot 11.02 \$61,323.57
 - f. Resolution 2023-53 RE: Extended Grace Period for Third Quarter Taxes
 - g. Resolution 2023-54 RE: Amend Open Space Tax Rate Resolution 2023-33
 - h. Resolution 2023-55 RE: Emergency TAN (Tax Anticipation Notice)
 - i. Resolution 2023-56 RE: Emergency BAN (Bond Anticipation Notice) various roads affected by flood waters
 - j. Resolution 2023-57 RE: Resolution providing for the financing of a Special Emergency Appropriation for extraordinary expense for the repair and reconstruction of various roads damaged by the July 16th storm of the Township of Franklin, in the County of Warren, New Jersey by the issuance of Special Emergency Notes of the Township

On motion by Committeepersons David Guth and seconded by Mike Ferri the above Consent Agenda items were approved. *Let the record reflect that Bonnie Butler voted “no” only on Resolution 2023-50.

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

INTRODUCTION OF: RESOLUTION 2023-48 thru RESOLUTION 2023-57

Resolution 2023-48

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION 2023-48**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township of Franklin, Warren County, NJ, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON Monday, August 14, 2023.

Denise L. Becton

Denise L. Becton, Municipal Clerk

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF Warren

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

1. We are duly elected (or appointed) members of Franklin Township, in the county of Warren;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2022;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled “Comments and Recommendations.”

(L.S.) Bonnie Butler, Committeeperson (L.S.)

(L.S.) Mike Ferri, Committeeperson (L.S.)

(L.S.) David Guth, Deputy Mayor	(L.S.)
(L.S.) Rich Herzer, Committeeperson	(L.S.)
(L.S.) Mike Toretta, Mayor	(L.S.)

Sworn to and subscribed before me this
14th day of August 2023
Notary Public of New Jersey

Denise L. Becton, Municipal Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2023-48** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, County of Warren, and State of New Jersey hereby certify the foregoing Resolution is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Franklin, at a meeting held on Monday, August 14, 2023.

Dated: August 7, 2023

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk

**TOWNSHIP OF FRANKLIN
WARREN COUNTY
AUDIT REPORT YEAR: 2022**

**CORRECTIVE ACTION PLAN
RESOLUTION 2023-49**

Whereas, the Township Committee of Franklin Township, Warren County, NJ has received and reviewed the Annual Audit Report for the Year 2022 and;

Whereas, the Chief Financial Officer has prepared the following Corrective Action Plan in accordance with the reports findings as follows;

**FRANKLIN TOWNSHIP
SUMMARY OR SYNOPSIS OF AUDIT REPORT FOR PUBLICATION**

It is recommended that:

1. An adequate segregation of duties be maintained with respect to the recording and treasury functions.
2. The Township has an updated fixed asset appraisal performed.

3. All interfunds be liquidated and every effort is made to avoid or limit interfund transactions.
4. Payroll account bank reconciliations are completed, and payroll records are maintained and readily available.
5. Reconciling items be reviewed for collection or cancelled after six months.

A Corrective Action Plan, which outlines actions Franklin Township, Warren County, NJ will take to correct the findings listed above, will be prepared in accordance with federal and state guidelines. A copy of it will be placed on file and made available for public inspection in the office of the Municipal Clerk of Franklin Township no later than 60 days from when the audit was received in compliance with directives from the Division of Local Government Services.

The above summary or synopsis was prepared from the Report of Audit of the Franklin Township, County of Warren, for the calendar year 2022. This Report of Audit, submitted by John J. Mooney, Registered Municipal Accountant, of Nisivoccia, is on file at the Municipal Clerk's office and may be inspected by any interested person.

Implementation Date:

Immediately

Now, therefore be it resolved by the Township Committee of Franklin that a certified copy of this corrective action plan resolution be transmitted to the Director of Local Government Services.

The within **Resolution 2023-49** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

Roll Call Vote:	Yes	No	Absent/Abstained
Bonnie Butler	X		
Mike Ferri	X		
David Guth	X		
Rich Herzer	X		
Mayor Mike Toretta	X		
		(5) 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 August 14, 2023.

Denise L. Becton

Denise L. Becton, Municipal Clerk

Dated: August 14, 2023

**Franklin Township
Warren County, State of New Jersey
Resolution 2023-50**

**A Resolution Authorizing Payment In Lieu of Medical Benefits for Year
August 1, 2022 – July 31, 2023**

WHEREAS, Franklin Township fulltime regular employees received medical and health benefits through the State Health Benefits Plan;

WHEREAS, Franklin Township employees contribute partially towards payment of their benefits and the majority of benefits are paid by Franklin Township;

WHEREAS, Denise L. Becton, has waived the benefit package since August 1, 2014 due to spouse providing same benefits;

WHEREAS, Denise L. Becton, Municipal Clerk has requested to be compensated for such benefits in the amount of **\$3612.33** for August 1, 2022-July 31, 2023 benefit period;

WHEREAS, the Township Committee approves this request and recommends it be paid during the 3rd quarter of 2023 for this benefit period and the request should continue to be made on a yearly basis for consideration if still desired.

NOW, THEREFORE BE IT RESOLVED, Franklin Township Committee grants the **\$3612.33** payment in lieu of health benefits to Denise L. Becton.

The within **Resolution 2023-50** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on August 14, 2023.

Denise L. Becton

Denise L. Becton
Municipal Clerk

RESOLUTION 2023-51

WHEREAS, the General Code of the Township of Franklin, Chapter 48, Article 1 and Article 2 Regulating the growth of Brush, Noxious Weeds and Grass, Etc. Authorizes the Township of Franklin to remove debris, brush and noxious growth after Providing the notice required by the ordinance; and

WHEREAS, the required notice was sent to the below properties by certified mail return receipt requested and regular mail; and

WHEREAS, ten days has elapsed since the notices were received; and

WHEREAS, the property owners failed to remove the debris, brush and noxious growth within ten days of their receipt of the notice; and

WHEREAS, the outside contractor, for Franklin Township, Warren County, NJ caused the debris, brush, and noxious growth to be removed; and

WHEREAS, the outside contractor, for Franklin Township, Warren County, NJ has certified to the Mayor and Committee the cost of the removal of the debris, brush and noxious growth.

THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKLIN, AS FOLLOWS:

1. The certification of the costs of removal of the debris, brush and noxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Cost</u>
2517 Rt. 57 (07/10/23 & 07/24/23)	34	16	Amy Poleselli	\$160
2537 Rt. 57 (07/10/23 & 07/24/23)	34	20	Playmaker's	\$120
116 Edison Rd. (07/10/23 & 07/24/23)	41	12.02	T&M Pallet	\$130
2506 Rt. 57 (07/10/23 & 07/24/23)	3	11	Samuel & Kirtida Dalal	\$150
47 Halfway House Rd. (07/10/23 & 07/24/23)	18	38	Arthur Homeyer	\$120

The within **Resolution 2023-51** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

Roll Call Vote:	Yes	No	Absent/Abstained
Bonnie Butler	X		
Mike Ferri	X		
David Guth	X		
Rich Herzer	X		

Mayor Mike Toretta

X (5) Yes (0) No (0) Absent Motion Carried

Dated: August 14, 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 Committee of the Township of Franklin on August 14, 2023.

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk

**RESOLUTION #2023-52
TOWNSHIP OF FRANKLIN, COUNTY OF WARREN
TAX SALE REDEMPTION OF LIENHOLDER**

WHEREAS, Tax Sale Certificate #2022-001, Block 15 Lot 11.02, 2092 Route 57, Washington NJ 07882. Issued to George Banghart, in the amount of \$23,435.27 on December 31, 2022.

WHEREAS, the lien was redeemed on August 7, 2023, in the amount of \$61,323.57 in accordance with provisions of NJSA 54:5-60 et seq; and

NOW, THEREFORE BE IT RESOLVED, On the 14th day of August 2023, by the Township Committee of the Township of Franklin, Warren County, State of New Jersey, As follows:

- 1. The Chief Financial Officer issue a check in the amount of \$61,323.57 to George Banghart, 74 Good Spring Road Asbury, NJ 08802
- 2. That this resolution shall take effect immediately upon adoption.

The within **Resolution 2023-52** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

Dated: August 14, 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 Committee of the Township of Franklin on August 14, 2023.

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk

**TOWNSHIP OF FRANKLIN
COUNTY OF WARREN**

**RESOLUTION 2023-53
RESOLUTION TO EXTEND GRACE PERIOD FOR THIRD QUARTER TAXES DUE AUGUST 1, 2023**

WHEREAS, N.J.S.A. 54:4-66.3 provides that the third installment of current year taxes shall not be subject to interest until the thirty-first calendar day after the date that the tax bill was mailed or otherwise delivered, and

WHEREAS, Twenty-five calendar days from the mailing date of the tax bills as required by New Jersey Statute is September 15th, 2023,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Franklin, County of Warren that:

1. The Grace Period for the payment of the third quarter 2023 real estate property taxes that were due August 1, 2023 shall be extended to September 15, 2023.
2. Interest shall be charged back to August 1, 2023 for all payments made after grace period date of September 15, 2023

ADOPTED: August 14, 2023

Mike Toretta, Mayor
Township Committee

Attest and Affix Seal:

Denise L. Becton

Denise L. Becton, RMC
Municipal Clerk

The within **Resolution 2023-53** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on August 14, 2023.

Denise L. Becton

Denise L. Becton
Municipal Clerk

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

RESOLUTION #2023-54

WHEREAS, the provisions of the Township of Franklin’s open space ordinance allows the township committee to set the open space tax rate annually within a specified range; and,

WHEREAS, the township committee desires to set municipal open space tax rate at **\$.0025 cents** per \$100 of assessed valuation for the 2023 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin that election be made to set the municipal open space tax rate at **\$.0025 cents** per \$100 of assessed valuation for the 2023 calendar year.

The within **Resolution 2023-54 replaces Resolution 2023-33** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

Roll Call Vote:	Yes	No	Absent/Abstained
Bonnie Butler	X		
Mike Ferri	X		
David Guth	X		
Rich Herzer	X		
Mayor Mike Toretta	X		

(5) Yes (0) No (0) Absent Motion Carried

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on August 14, 2023.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Municipal Clerk

Resolution 2023-55

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$500,000 TAX ANTICIPATION NOTES OF FISCAL YEAR 2023 OF THE FRANKLIN IN THE COUNTY OF WARREN, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 1. In anticipation of the collection of taxes for the fiscal year 2023 levied or to be levied in such year or in anticipation of other revenue of such year, and for the purposes provided for in the budget or for which taxes are levied or to be levied for such year, Tax Anticipation Notes of 2023 of the Franklin, New Jersey, are hereby authorized to be issued in the principal amount not to exceed \$500,000 (at any one time outstanding) pursuant to the Local Budget Law of the State of New Jersey.

Section 2. The following matters in connection with said notes are hereby determined:

- TITLE: Tax Anticipation Notes of Fiscal Year 2023 (each additional series, if any, shall be designated with a corresponding alphabetical letter)
- DATE, NUMBER, DENOMINATION AND PLACE OF PAYMENT: As may be determined by the Township Chief Financial Officer
- MATURITY: As may be determined by the Township Chief Financial Officer

INTEREST RATE: As may be determined by the Township Chief Financial Officer

FORM: Substantially in the form attached hereto

Section 3. The borrowing power of the Township on Tax Anticipation Notes for the fiscal year 2023 is \$627,762 as determined by a certificate of the Township Chief Financial Officer filed in the office of the Township Clerk, such certificate being as follows:

CERTIFICATE

I, Judith Curran, Township Chief Financial Officer of the Franklin, in the County of Warren, New Jersey HEREBY CERTIFY as follows:

1. The gross borrowing power in respect of Tax Anticipation Notes of Fiscal Year 2023, being 30% of the tax levy of the next preceding fiscal year for all purposes, plus 30% of the amount of miscellaneous revenues realized in cash during the next preceding fiscal year is \$627,762.
2. The amount of notes outstanding in anticipation of the collection of taxes of the 2023 fiscal year, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$0.
3. The net borrowing power, being the excess of the first over the second of the two above amounts is \$ 627,762.

IN WITNESS WHEREOF, I have hereunder set my hand this 14th day of August, 2023

Township Chief Financial Officer

Section 4. The Township Chief Financial Officer signing such notes is hereby authorized and directed to determine all matters in connection therewith not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive evidence that all such matters have been so determined in manner and effect consistent with the form and substance of such notes. The Township Chief Financial Officer is hereby authorized to sell said Tax Anticipation Notes of 2023 at public or private sale at not less than par and to deliver the same to the purchasers thereof upon receipt of the purchase price plus accrued interest from the dates of the notes to the date of delivery thereof and payment therefor.

Section 5. Said notes shall be general obligations of the Township and the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on said obligations, and, unless otherwise paid or payment provided for, taxes shall be levied in an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable.

Section 6. The Township Chief Financial Officer is authorized and directed to report in writing to this Township Council at the meeting next succeeding the date when the sale of any of said notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full in the minutes of such meeting.

Section 7. This resolution shall take effect immediately.

Dated: August 14, 2023

**THIS NOTE HAS BEEN ISSUED WITHOUT AN OFFICIAL STATEMENT
PURSUANT TO AN EXEMPTION FROM RULE 15c2-12 OF
THE SECURITIES EXCHANGE ACT OF 1934.**

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

THE TOWNSHIP FRANKLIN
COUNTY OF WARREN

No. 2023-55 TAX ANTICIPATION NOTE OF 2023 \$500,000.00

THE FRANKLIN, a municipal corporation of the State of New Jersey, for value received promises to pay to the bearer of this note, in lawful money of the United States of America, the sum of FIVE MILLION DOLLARS (\$500,000.00) together with interest thereon from the date hereof at the rate of _____ Hundredths Per Centum (___% per annum, on _____, 200__ on presentation and surrender of this note at the office of as paying agent and registrar (the "Paying Agent"). This note may not be registered and is transferable by delivery.

This note is issued by virtue of a resolution adopted August 14, 2023 by the Franklin, and pursuant to the Local Budget Law of the State of New Jersey and in anticipation of the collection of taxes of the budget year 2023; the gross borrowing power in respect of such notes, as determined in accordance with said Act is \$ _____ and the amount of such notes outstanding including all notes delivered simultaneously with this note, is \$. _____.

The full faith and credit of said Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this note, exist, have happened and have been performed and that the amount and terms of this note do not exceed any limitation imposed thereon by said Constitution or statutes.

IN WITNESS WHEREOF, The Franklin Township Committee has caused this note to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon and this note and said seal to be attested by the manual signature of its Clerk of the Township Council, and this note to be dated the 14th day of August, 2023.

TOWNSHIP OF FRANKLIN

ATTEST:

By: _____
Mike Toretta, Mayor

Denise L. Becton, Municipal Clerk

Judith Curran, Chief Financial Officer

The within **Resolution 2023-55** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on August 14, 2023.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Municipal Clerk

(Reverse of Note)

The undersigned Clerk of the Township Council of the Franklin, New Jersey HEREBY CERTIFIES that a true and correct copy of the legal opinion of Gibbons P.C., Newark, New Jersey, as to the validity of the issue of Notes of which this note is one, is on file at the office of said Clerk in Franklin, New Jersey.

Denise L. Becton

Clerk of the Township Committee

RESOLUTION 2023-56

A RESOLUTION OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 IN THE AMOUNT OF \$2,500,000 FOR EXTRAORDINARY EXPENSE FOR THE REPAIR AND RECONSTRUCTION OF VARIOUS ROADS DAMAGED BY THE JULY 16TH STORM.

BE IT RESOLVED by the Governing Body of the Township of Franklin, in the County of Warren, New Jersey that in accordance with N.J.S.A. 40A:4-54:

1. The sum of \$2,500,000 is hereby appropriated for the extraordinary expense for the repair and reconstruction of various roads damaged by the July 16th storm, including but not limited to Montana Road, Millbrook Road, Mountain View Road West, Lime Kiln Road, Kitchen Road, Buttermilk Bridge Road, Halfway House Road, Harley Court and Cole Road, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-54.

2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

3. This resolution shall take effect as provided by law.

The within **Resolution 2023-56** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Franklin at a meeting held in the Municipal Building, on August 14, 2023.

Witness my hand and the SEAL of the Township of Franklin.

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION 2023-57

RESOLUTION PROVIDING FOR THE FINANCING OF A SPECIAL EMERGENCY APPROPRIATION FOR EXTRAORDINARY EXPENSE FOR THE REPAIR AND RECONSTRUCTION OF VARIOUS ROADS DAMAGED BY THE JULY 16TH STORM OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY BY THE ISSUANCE OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The Township of Franklin, in the County of Warren, New Jersey (the "Township") has heretofore finally adopted, on August 14, 2023, a resolution entitled: "A RESOLUTION OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF WARREN, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 IN THE AMOUNT OF \$2,500,000 FOR EXTRAORDINARY EXPENSE FOR THE REPAIR AND RECONSTRUCTION OF VARIOUS ROADS DAMAGED BY THE JULY 16TH STORM" (the "Resolution"), for the purpose of appropriating the sum of \$2,500,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-54.

SECTION 2. The Township hereby determines to finance the special emergency appropriation referred to in Section 1 herein by the issuance of Special Emergency Notes of the Township, which may be renewed from time to time, as provided by law. Special Emergency Notes of the Township are hereby authorized to be issued in the principal amount of \$2,500,000 pursuant to the Local Budget Law. At least 1/5 of all such Special Emergency Notes, and the renewals thereof, shall mature and be paid in each year, so that all such Special Emergency Notes shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution.

SECTION 3. All Special Emergency Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, subject to the limitations set forth in Section 2 hereof. The chief financial officer shall determine all matters in connection with Special Emergency Notes issued pursuant to this resolution, and the chief financial officer's signature upon the Special Emergency Notes shall be conclusive evidence as to all such determinations. All Special Emergency Notes issued hereunder may be renewed from time to time subject to the

provisions of N.J.S.A. 40A:4-55(b). The chief financial officer is hereby authorized to sell part or all of the Special Emergency Notes from time to time, at no less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Special Emergency Notes pursuant to this resolution is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Special Emergency Notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

SECTION 4. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Special Emergency Notes authorized by the Resolution and hereunder. The Special Emergency Notes shall be direct, unlimited obligations of the Township. The powers and obligations of the Township to pay any Special Emergency Note issued pursuant to this resolution and the Local Budget Law shall be unlimited and the Township shall have the power and be obligated to levy ad valorem taxes upon all taxable property within the Township for the payment of such Special Emergency Notes and interest thereon, without limitation of rate or amount.

SECTION 5. All Special Emergency Notes issued pursuant to this resolution shall be executed by the Chief Financial Officer and the Mayor of the Township, and shall be under the seal of the Township and attested by the Township Clerk. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the Special Emergency Notes.

SECTION 6. The Township reasonably expects to commence the purpose described in the resolution referred to in Section 1 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of Special Emergency Notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the Special Emergency Notes authorized in Section 2 hereof.

SECTION 7. This resolution shall take effect immediately.

The within **Resolution 2023-57** was moved by Committeeperson David Guth and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

I hereby certify that the above is a true copy of a resolution, duly adopted by the Township Committee of the Township of Franklin, in the County of Warren, New Jersey, at its meeting held on the 14th day of August, 2023.

Denise L. Becton

Denise L. Becton, Township Clerk

OLD BUSINESS

PUBLIC HEARING:

ORDINANCE 2023-4

AN ORDINANCE TO AMEND CHAPTER 120 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED, “STREETS AND SIDEWALKS”

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Warren, State of New Jersey, that Chapter 120 of the Code of the Township of Franklin entitled, “Streets and Sidewalks,” is hereby amended to add a new Article VI entitled, “Leaf Pick Up” as follows:

SECTION I.

**ARTICLE VI
LEAF PICK UP**

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

Public Comments – no comments

On motion to close the public hearing – on motion by Committeepersons Bonnie Butler and seconded by David Guth. All in favor.

Motion to adopt **Ordinance 2023-4** by Committeepersons Mike Ferri and seconded by Bonnie Butler the aforementioned **Ordinance 2023-4** 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

2023 Expiring Farm Contracts – Santini, Truskowski, Woolf

Per Attorney Benbrook these contracts have been overextended and will have to be auctioned/re-bid for the next Harvest Season. The attorney will provide a certified letter to the farmers not to plant in September, Notice of Auction will be issued in October and will schedule a live auction in early December.

REPORTS/UPDATES

Engineer – MS4 Stormwater Management Ordinance updates will coordinate between his office, DPW and attorney. A conference call today with our bond counsel, auditor, cfo and municipal clerk discussing appropriation of money, resolution was adopted tonight, for storm related road repairs, Montana Road will start repairing first. Attorney Benbrook reminded the township they can treat this as an emergency without going out for bids starting repairs and/or fix and can ratify at our next township meeting. A delay due to storm dunes with the Dioxane project preliminary design getting out to NJAW/fire chief/railroad/county will submit this month the design to.

A motion by Committeepersons David Guth and seconded by Mike Ferri authorizing Engineer Finelli to come up with a design/obtain emergency quotes to repair and/or fix the retaining wall on Montana Road.

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

Attorney – Attorney Benbrook has the Land Use Board files on the Tigar Tract to pursue an injunction. Coordinating with Zoning Officer to pursue an injunction. A Tort Claim was received as to the 7Up Bottling Company, Block 15 Lot 11.02. This matter started with our old tax collector as to redemption figures and the property was sold at a tax sale. The attorney is working now with the current tax collector to rectify the situation. Mr. Benbrook will also put a list together of those properties foreclosed on previously (In-Rem Foreclosures) auction them off as well as the old Playmaker's property on Rt. 57, designated as a re-development area. Looking to move on with this in the fall to get properties back on the tax rolls.

Open Space – no one present

Zoning Officer – Jim Onembo – Welcome to Broadway sign is in bad shape, DPW to take a look at this and try to repair. A discussion ensued as to preserved farm properties and holding weddings on the property. The Ag Board met does not overrule township zoning per Mr. Onembo. Attorney Benbrook will coordinate with the Land Use Board Attorney establishing regulations/guidelines, conditional/permitted uses, hours, parking, etc. per the committee's consensus as well as notification to the township of an event. The attorney will also look into sample ordinances from neighboring municipalities providing flexibility to the farms, but the township will have some control.

Fire Department/EMS – Chief Dave Brown – The EMS station received major storm damage and all apparatus has been relocated to fire stations. All walls in the building had to be removed from the floor up but no contents were lost. They are working with their insurance company on the repairs of the building and coordinating with our OEM as well. Deputy Mayor Guth commended the Fire/EMS for a great job done during the rain/flooding storms. The Chief advised that had more than 40 manhours with pump details as well as road assessments. Annual maintenance of equipment proved to go over well, and any repairs were easily fixed. There was a mass casualty accident today on Route 22 and St. James Avenue. We were able to staff an ambulance with two EMTs to respond. A tractor trailer turned over on two cars. The Chief inquired if there was an ordinance to respond to nuisance fire alarms. There is a home that they are dispatched to frequently when the power goes out, due to power failure, the fire alarm will sound, and the fire department will be dispatched. Attorney Benbrook will research ordinances.

OEM/911 Coordinator – OEM Shawna Tabert – Public Assistance has been approved and reimbursement will come from a split of 75%/25%, the squad building will fall under this. As far as Individual Assistance, we have had 21 residents fill out the survey from Franklin Township, nothing official at this time, waiting to hear. Temporary Debris Management Assessment (TDMA) was turned in in the beginning of July. Foreman Biel has been keeping track of the DPW manhours as well as fire/ems volunteer hours to apply for reimbursement as well as OEM hours. Working with the municipal engineer obtaining estimates for Montana/Millbrook Road and various roads damaged by the storm and working on the bonding. Working with Senior Aging and division gone through entire county list, one resident may have an issue and need additional assistance. Team Rubicon Memorandum, volunteer organization, contract has been executed for future disasters with debris removal, medical support, clean-ups, and muck-outs to get a home ready for professional repair. Small business loans are coming down from FEMA as well. Homeowners receiving denials from their insurance carriers need to attempt to go through their homeowner's insurance first whether denied or not. If no flood insurance, then you need to be persistent with your homeowner's insurance carriers if they are telling you that your furnace or hot water heater are not covered under their HO policy. Attorney Benbrook as a courtesy can assist if need be. Cleanup vouchers expire August 31st through the Pollution Control Finance relating to the storm. Mayor Toretta thanked OEM Tabert for all her efforts/time during the flood. Mayor Toretta thanked Shawna for all she has done and right on top of it getting the most for Franklin Township.

DPW- Joe Biel – Report submitted/filed – The backhoe has broken down requesting the committee's permission to rent from Powerco. The township committee's consensus to proceed with renting while ours is being repaired.

Recycling Coordinator – absent

FTYA- no representation

FTCC – no representation

Committee Reports:

Bonnie Butler – A discussion with our tax collector as to the mailing of our stormwater management flyer with our tax bills to receive credit. A new vendor will be mailing out our tax bills this year as the old vendor no longer does this. The tax collector will be looking into replacing PNC with Unity Bank for the Tax Account. Feels we can generate with Unity Bank possibly \$30-40K interest on township funds in this bank.

Rich Herzer –Nothing further to report.

David Guth – Nothing further to report.

Mike Ferri – Nothing further to report.

Michael Toretta – Nothing further to report.

Open Public Session:

At approximately 8:09 p.m. Mayor Toretta opened the floor to the Public. Unanimous vote.

Keith Stockton – What is the determination/plan with Millbrook Road will be closed? What is the plan to redivert the creek back to its original home as well as debris removed from it. The contractor will cleanup as well as the rediversion of the creek per Engineer Finelli. Deputy Mayor Guth informed that there are still a lot of unanswered questions and coordination with the State of NJ as to the creek repair/cleanup. Millbrook Road will and will be closed throughout this year. The attorney informed Millbrook Road needs to be meticulously engineered and will have to go out for bid since it will cost over \$2million. OEM has a short hold harmless agreement if work is to be done on private property. Mr. Stockton asked how are you going to attack to clear the roads in the winter, no room for plows to turn around? DPW has a pickup truck that will be able to handle this during the winter.

Wayne Ferguson – Thanked the committee members for all they do, he sat on the committee for 9 years and never had an emergency like this. There are approximately 22 residents from where he lives to the top of Millbrook Road. It used to be 1 mile for an ambulance or firetruck to respond to his house and the other houses on this road, now for him since the storm/damages it is 6-7 miles. Have we thought about this? Mutual Aid is in place to help respond from different avenues of the township for fire/ems services and they are quite aware of this. Debris from the river, is there a voucher for the landfill, see the clerk she will issue.

Mary McGuire – Concern if the water will flow again out of the farmer field onto Millbrook Road and re-flood Route 57 and homes in the area of the flooding. Per mayor, storm drains are now opened, and an excavator was brought in to divert the water flow from the field. OEM reiterated furnace/hot water heaters should respond with homeowners' policies, attorney will help if needed. Public Assistance threshold is \$16million, Individual Assistance there is not a number it is a percentage formula per OEM.

OEM informed residents again that your personal homeowners' policies should respond to damaged furnaces/hot water heaters and Attorney Benbrook can provide support if needed. Governor has declared an emergency for Warren County to start the ball rolling with FEMA funds.

Hearing no other public comments, the floor was closed at 8:27 p.m.

At this time, the committee will commence into an Executive Session on motion by Committeeperson David Guth and seconded by Rich Herzer at 8:27 p.m.

EXECUTIVE SESSION

BE IT RESOLVED on this 14th day of August 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 Amended 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 14th day of August 2023 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:27 p.m.

On motion by Committeeperson Bonnie Butler and seconded by Rich Herzer to exit to executive session at 8:53 p.m. returning to regular session. Unanimous Vote.

On motion by Committeepersons Mike Ferri and seconded by Bonnie Butler to execute the Shared Services Agreement with the Town of Belvidere for municipal court.

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

A short discussion in executive session to circulate the new portion of the DPW Policy amended, additional changes per MEL the attorney will coordinate by this fall.

On motion by Committeepersons Bonnie Butler and seconded by David Guth to approve the bills to be paid per CFO’s bill list submitted. Do not pay the August Tax Invoice to WC Treasurer, Franklin Twp. BOE, Warren Hills, due to the delay of our August tax bills. Wait until money comes in from taxpayers.

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

Respectfully submitted,

Denise L. Becton

Denise L. Becton, RMC/CMR
Municipal Clerk