

**REGULAR MEETING
Monday, July 11, 2022**

The Franklin Township Committee held a Regular Monthly Meeting on Monday, July 11, 2022, at the hour of 7:02 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.

ROLL CALL OF COMMITTEE MEMBERS: Butler-Yes, Ferri-Yes, Guth-Yes, Herzer-Yes, Toretta-Yes. (5) Present; (0) Absent

Present were Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Joe Biel, DPW Foreman, Jim Onembo, Zoning/Code Enforcement, Eddy Patient, FTCC, Kathleen Reinalda, CFO, 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 6, 2022**
 - b. Executive Minutes **RE: June 6, 2022**
 - c. Bid Opening Synopsis **RE: July 6, 2022**

- 2. RESOLUTIONS**
 - a. Resolution 2022-44 **RE Appointment of Class IV Land Use Board
Vacancy term expires 12/2022 Sarah Payne**
 - b. Resolution 2022-45 **RE: Approval to submit a Grant application and execute
a grant contract with the New Jersey Department of
Transportation for the Millbrook Road Resurfacing,
Section 3 project**
 - c. *Resolution 2022-46 **RE: 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**
 - d. *Resolution 2022-47 **RE: Tax Liens Brush Noxious Weeds**

On motion by Committeeperson Rich Herzer and seconded by Committeeperson David Guth, to approve the minutes/resolutions listed on the Consent Agenda above. ***Resolution 2022-45 and Resolution 2022-46 will be entertained later in the meeting.**

Roll Call:	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

RESOLUTIONS

RESOLUTION 2022-44

WHEREAS, the Franklin Township Committee has deemed it necessary to appoint the following member, due to a Land Use Board vacancy to satisfy the remainder of said term, that shall be appointed by the Mayor of the Township of Franklin, for the year 2022.

Sarah Payne, Class IV

exp. 12/22

On motion by Rich Herzer and seconded by David Guth the aforementioned **Resolution 2022-44** 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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on July 11, 2022.

Denise L. Becton, Municipal Clerk
Franklin Township

RESOLUTION 2022-47

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 Department of Public Works 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 FOL.LOWS:

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>
2511 Rt. 57 (05/23/22 & 06/03/22 & 06/17/22 & 06/29/22)	34	13.01	Floyd & Alice Stecker	\$610
2517 Rt. 57 (05/23/22 & 06/03/22 & 06/17/22 & 06/29/22)	34	16	Amy Poleselli	\$610

On Motion by Rich Herzer and seconded by David Guth the aforementioned **Resolution 2022-47** 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

Dated: July 11, 2022

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 July 11, 2022.

Denise L. Becton, RMC/CMR
Municipal Clerk

NEW BUSINESS

Discussion/Presentation – MWA – Asbury Mill Restoration Funding

Alan Hunt and Tom Dallessio presented to the committee the mill restoration historic adaptive re-use prospective timeline. The next phase of work includes the interior work for the Interpretation Center bringing the ground floor and basement to modern standards, and the planning for the exhibits. Funding from the township would be appreciated as they move closer to this next phase.

OLD BUSINESS

Public Hearing/Adoption of:

Ordinance 2022-7

Ordinance 2022-7

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

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

No Public Comments

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

On motion by Mike Ferri and seconded by Bonnie Butler the aforementioned Ordinance 2022-7 be adopted as read.

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

Public Hearing/Adoption of:

Bond Ordinance 2022-8

ORDINANCE 2022-8

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,000,000 IN CONNECTION WITH THE INSTALLATION OF A WATER LINE EXTENSION IN CONNECTION WITH THE PROPERTIES LOCATED IN WILLOW GROVE ROAD AND GOOD SPRINGS ROAD PROJECT AREA FOR AND BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF WARREN, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

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

No Public Comments

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

On motion by David Guth and seconded by Rich Herzer the aforementioned Ordinance **2022-8** be adopted as read.

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

At this time, the committee addressed Tax Collector, Karin Kneafsey and the Tax Office procedures and Corrective Action Plan. Committeeperson Butler addressed the problem with the reconciliation of cash books with online tax payments. The township has paid to date \$5,000 out of pocket to auditors to reconcile said books. The deposits are not reflective when posted based on email receipts for online deposits to the tax collector’s office and the problem with Municipipay needs to be corrected. Ms. Kneafsey informed that she has gone through the first three months of bank statement. Deposits will have to be posted individually was suggested by the auditor in hopes to rectify this problem. Ms. Kneafsey will also prepare an excel spreadsheet to itemize tax monies

REPORTS/UPDATES

Engineer –

Dioxane Water Project – no update from DEP since July 1st and moving forward to complete the contract. Montana Road Project – target date of next week for contractor to start the work, should take no more than two weeks to complete. Shurts Road Project – The bid opening was July 6th and upon recommendation by the engineer to award the project to Samson Concrete Masonry with a Base Bid of \$208,309 and Alternate Bid of \$42,000 for roadway restoration. However, upon suggestion of Engineer Finelli not to award the Alternate Bid as our DPW could restore the roadway after the project is completed. Engineer will also proceed to file an extension through the NRCS as the deadline to complete the project moves closer of August 24, 2022.

On motion by Bonnie Butler and seconded by Mike Ferri to award the contract to Samson Concrete Masonry of Phillipsburg NJ, Base Bid in the amount of \$208,309.

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

Mayor Toretta questioned the out-of-pocket expense with the shortfall of the grants already received for Millbrook Road Phase I and Phase II. Committeeperson Herzer concurs with mayor that the road doesn’t need repair at this time and Foreman Biel informed that the structure of the road is in good shape. Engineer Finelli advised that Millbrook Road was a good candidate to make an application with the NJDOT. Recommendation to delay the project to do next year and apply through the DOT for Phase III in hopes to reduce out of pocket expense for the township. However, if the committee is still not in consensus to move forward with this project, they can still decline the grants.

Attorney – Report submitted on File

Attorney Benbrook updated the committee as to the In-REM Foreclosures, Affordable Housing Litigation (Conference call tomorrow with Fair Share Housing Committee), Personnel Policy will be ready next month, Safavieh Litigation (stream encroachment issues), Gupta Litigation will be further discussed in executive session. A letter of support to have the governor sign Senate Bill S2732 and Assembly Bill A4089 was drafted for the mayor to sign. The consensus of the committee for the mayor to execute the letter of support and mail to the governor.

Open Space Commission –

Jim Onembo – Code Enforcement/Zoning - Report submitted and on file

Recycling – Report submitted on File

Fire Department/EMS – no one present

Office of Emergency Management – David Guth, DOEM

OEM Tabert has been working meetings and a multitude of grants. Also, in the process of updating records and government surplus. Committeeperson Butler inquired as to the generator grants.

DPW REPORT – Joe Biel – report submitted on file

Committeeperson Butler informed of a great job done by the DPW on Shurts Road. She informed she will need DPW manhours and amount/cost of fuel. Committeeperson Herzer thanked the DPW for the curbing work and topsoil on Stewartsville Road.

Franklin Township Youth Association – Eddy Patient, Community Center Coordinator and Deputy Mayor Guth joined the virtual meeting of the FTYA. Eddy informed of the changes with use of portable toilets. Also, the usage of our community center by the FTYA was addressed at this meeting and the misrepresentation on their usage at our facility.

Franklin Township Community Center – Eddy Patient - Report submitted on file

Musconetcong River Management Council – MRMC – Beth Barry – nothing to report

NJSP- no representation present

Township Committee Reports:

Bonnie Butler-

Committeeperson Butler spoke to Chairperson Higgins of the Historical Commission and the tree will be removed by their time capsule. This tree was planted on top of our septic laterals unknow to them. The DPW will cut the tree down at their earliest convenience.

Mike Ferri – nothing further to report

Rich Herzer – A lengthy discussion ensued as to the completion of the 105 Good Springs Road Retention Pond Repair. The homeowner that created the problem by burying the township's

pipes is responsible to repair/cost. This problem has been fixed between the homeowner and contractor, however, there is still a swale along the road and the water is not being directed properly since it is too flat. The DPW can do this work and shouldn't be that big of an issue.

David Guth – nothing further to report

Mayor Toretta – nothing further to report

At this time, the floor was open to Public Session at approximately 8:38 p.m., by Mayor Toretta, all in favor.

OPEN PUBLIC SESSION

William Leavens – Support of the township with the mill restoration is appreciated as they move forward.

Janis Liepins – A county wide message was received as to a new type of mosquito, dump excess standing water in your backyards.

At this time, close the floor to Public Session at 8:42 p.m., all in favor.

EXECUTIVE SESSION

BE IT RESOLVED on this 11th day of July, 2022, 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

Contract Negotiations/Pending Litigation

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 11th day of July 2022 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:42 p.m.

On Motion by Bonnie Butler and seconded by David Guth to exit to executive session at 8:42 p.m. Unanimous Vote.

On motion by Mike Ferri and seconded Rich Herzer to return to the regular session at 9:05 p.m. Unanimous Vote.

Attorney Benbrook summarized the executive session discussion of the Gupta litigation. The insurance defense counsel recommends a settlement with no admission of guilt of \$10,000 for cost of defense.

On motion by David Guth and seconded by Rich Herzer, to authorize the cost of defense of \$10,000 with a condition that Plaintiff Gupta and Defendant Read are barred from the fire department as well as the Township of Franklin.

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

RESOLUTIONS

**Franklin Township, Warren County
RESOLUTION 2022-45**

Approval to submit a Grant application and execute a grant contract with the New Jersey Department of Transportation for the Millbrook Road Resurfacing, Section 3 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-2023-Millbrook Road, Section 3-00134** 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 Council
On this 11th day of July 2022

Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

On motion by Mike Ferri and seconded by Bonnie Butler the
aforenoted **Resolution 2022-45** 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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on July 11, 2022.

Denise L. Becton, Municipal Clerk
Franklin Township

**Franklin Township, Warren County
RESOLUTION 2022-46**

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-2023-Willow Grove Road Resurfacing-00136** 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 Council
On this 11th day of July, 2022

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
 (Clerk) (Presiding Officer)

On motion by Mike Ferri and seconded by Bonnie Butler the
 aforementioned **Resolution 2022-46** 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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the Township of Franklin, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Franklin at a regular meeting held on July 11, 2022.

 Denise L. Becton, Municipal Clerk
 Franklin Township

Meeting Cancellation

The August 1st Township Committee Meeting regularly scheduled/advertised has been canceled due to lack of quorum, all in favor.

MOTION FOR PAYMENT OF BILL LIST:

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

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

MOTION FOR ADJOURNMENT:

On motion by Rich Herzer and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 9:17 pm.

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

Respectfully submitted,

Denise L. Becton, RMC/CMR
Municipal Clerk