

REGULAR MEETING

The Franklin Township Committee held its regular monthly meeting, on Monday, October 4, 2021. Mayor Mike Ferri opened the meeting, at approximately 7:00 pm, in accordance with the “Open Public Meeting Act” Chapter 231, P.L. 1975 having been duly advertised and a copy posted in the office of the Township Clerk.

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

Present: Denise L. Becton, Municipal Clerk, Jim Onembo, Zoning/Code Enforcement Officer, Kevin Benbrook, Municipal Attorney, Mike Finelli, Municipal Engineer, Kathleen Reinalda, CFO, Joe Biel DPW.

CONSENT AGENDA:

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

2. APPROVAL

- a. Meeting Minutes **RE: September 13, 2021**
- b. Executive Meeting Minutes **RE: September 13, 2021**

3. RESOLUTIONS – FIRST READING/ADOPTION

- b. Res. 2021-61 **RE: Shared Court Appointments-Alt. Prosecutor and Alt. Defender**

NEW BUSINESS

The approval of the above Consent Agenda on motion by Committeeperson Bonnie Butler and seconded by Committeeperson Rich Herzer.

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

First Reading/Adoption of

RESOLUTION 2021-61

WHEREAS, the Town of Belvidere, is the “host” municipality of the Franklin Township Municipal Court.
and

BE IT RESOLVED, that the Franklin Township Committee respectfully recommends the appointment of John Caleca, to fill the position of Municipal Court Alternate Prosecutor of the Franklin Township Municipal Court to a term effective 01/01/2021 with expiration of 12/31/2021.

BE IT RESOLVED, that the Franklin Township Committee respectfully recommends the appointment of Gregory Gianforcaro, to fill the position of Municipal Court Alternate Public Defender of the Franklin Township Municipal Court to a term effective 01/01/2021 with expiration of 12/31/2021.

On motion by Bonnie Butler and seconded by Rich Herzer the aforementioned **Resolution 2021-61** be adopted as read.

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

CERTIFICATION

I, Denise L. Becton, Municipal Clerk of the 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 October 4, 2021.

Denise L. Becton
Municipal Clerk

NEW BUSINESS

FIRST READING/INTRODUCTION – Ordinance 2021-10

This ordinance will be sent to our Land Use Board for Consistency to our Master Plan, prior to adoption/public hearing.

ORDINANCE 2021-10

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

BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, that Chapter 90 of the Code of the Township of Franklin entitled, "Land Use and Development" is hereby amended as follows:

Section 1.

Section 90-54, Subsections I and J replaced with a new Subsection J entitled, "Domestic Livestock," as follows:

J. Keeping of Domestic Livestock.

(1) Domestic livestock shall mean cattle, horses, poultry, rabbits, small ruminants, and swine, as each is defined by the Department of Agriculture in N.J.A.C. 2:8-1.2. Livestock shall also mean camelids, including llamas and alpacas.

(2) All domestic livestock shall be kept and cared for in a humane fashion consistent with the feeding, watering, keeping, care and treatment provisions for each type of domestic livestock, as established by the Department of Agriculture in N.J.A.C. 2:8-2.1 through 2:8-6.7. Camelids shall be subject the regulations for horses.

(3) The keeping of swine shall be prohibited except on farms that have been certified by the Warren County Agricultural Development Board as commercial farms.

(4) No structure, including fencing, designed to house any poultry or rabbits shall be located closer than 25' from any residential dwelling on adjacent property. All structures, exclusive of fencing, designed to house cattle, horses, small ruminants or camelids shall comply with the applicable minimum setbacks for accessory structures in the applicable zone where the property is situated.

(5) The number of poultry and/or rabbits that can be maintained on any property that is not farmland assessed shall be limited to no more than a total of ten (10) animals. The keeping of roosters shall be expressly prohibited on any property that is not farm assessed.

(6) Horses, cattle, small ruminants, and camelids shall not be permitted to be kept on property that is not farm assessed.

(7) Any domestic livestock being maintained on any property not in conformance with this Section shall be permitted to remain as a preexisting nonconforming use. However, no such existing domestic livestock shall be permitted to be replaced with new livestock except in conformance with this Section.

(8) The provisions of the Section may be enforced by the Township's Zoning Officer, the Township's Animal Control Officer, or other authorized individuals from the County of Warren Board of Health and/or the New Jersey Department of Agriculture.

Section 2.

Should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

Section 3.

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

Effective Date.

This ordinance shall take effect immediately upon passage and publication as required by law.

ATTEST:

Denise L. Becton, Clerk

Mike Ferri, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 4th day of October 2021, at a meeting of the Township Committee of the Township of Franklin and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Township Committee of the Township of Franklin to be held on the 6th day of December, 2021, at the Municipal Building, 2093 Route 57, Broadway, New Jersey.

Denise L. Becton, Clerk

Introduced: October 4, 2021
Adopted: December 6, 2021

On motion by Bonnie Butler and seconded by Rich Herzer the aforementioned **Ordinance 2021-10** be adopted as read. Final reading and adoption to take place on December 6, 2021, **at 7:00 p.m. or near that hour.**

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

On motion by Committeeperson
by
Ordinance 2021-10 be adopted as amended.

and seconded
the aforementioned

Roll Call Vote	Yes	No	Absent/Abstain	
Bonnie Butler				
Rich Herzer				
Michael Toretta				
Mike Ferri, Mayor	()	(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 October 4, 2021. Second reading, public hearing will be held on December 6, 2021, at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, Municipal Clerk

First Reading/Adoption of

Attorney Benbrook briefed the committee that the owners of this property came forward voluntarily to apply to the BPU with being farmland assessed. Reaching out to the assessor on an informal basis he re-evaluated the property if not farmland assessed. This is at the applicants own risk.

RESOLUTION NO. 2021-60

RESOLUTION OF THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN, STATE OF NEW JERSEY ACCEPTING REIMBURSEMENT FOR PAST TAXES ACTUALLY DUE AND RECLASSIFYING AS 4A/B COMMERCIAL/INDUSTRIAL THE ENTIRETY OF BLOCK 9, LOT 11

WHEREAS, Kober Property Solar Farm, LLC (“Kober Property”) has provided the Township Committee of the Township of Franklin with a letter indicating that it is the contract purchaser of real property within the Township identified as Block 9, Lot 11 (“Property”); and

WHEREAS, a portion of the Property has been historically assessed as commercial in relation to the operation of an automobile junkyard and auto/truck parts business, with the balance of the Property having been farmland assessed based upon the annual applications for that status submitted by the Property owner; and

WHEREAS, Kober Property, as the result of its due diligence investigation of the Property, has determined that the entirety of the Property is encumbered with the remnants of junk cars and trucks, car and truck parts and thousands of tires and Kober Property has retained a licensed LSRP to register the Property with the NJDEP Industrial Site Remediation Program in conjunction with developing a remediation plan; and

WHEREAS, based upon its due diligence investigation, Kober Property has asserted that the entirety of the Property should have been assessed as commercial, with none of the Property

approved for farmland assessment based upon the condition of the Property and widespread industrial debris spread throughout; and

WHEREAS, Kober Property is in the process of withdrawing the most recently filed Farmland Assessment Application for calendar year 2022, has requested the prospective reclassification of the entirety of the Property to commercial/industrial, and volunteered to calculate retroactively the appropriate tax assessment that would have been due and payable had the Property been entirely assessed as commercial and remit to the Township of Franklin payment of the calculated tax for the years 2002 through 2019, with the understanding that years 2020 and 2021 will be the subject matter of a statutory rollback tax calculation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Franklin, County of Warren, State of New Jersey, as follows:

1. The Township accepts the representations of Kober Property concerning the historic use and current condition of the Property.
2. Based upon the condition of the Property and its historic use, the Township, in coordination with its Tax Assessor, shall reclassify the entirety of the Property, Block 9, Lot 11, as commercial to be applicable commencing for the 2022 tax year. The Tax Assessor shall calculate rollback taxes for calendar year 2022 and the preceding two (2) tax years, 2021 and 2020.
3. The Farmland Assessment Application filed with respect to the Property for calendar year 2022 shall be withdrawn voluntarily or absent its voluntary withdrawal, the Township's Tax Assessor shall deny the same, based upon the information provided by Kober Property.
4. The Township shall accept payment from Kober Property for the municipal portion of the real property taxes for calendar years 2002 through 2019, based upon a review of the historic tax rates that would have been applicable to the Property in the amount of \$207,571.00. This payment is specifically understood to be a voluntary, non-refundable payment made by Kober Property in furtherance of its application to the BPU with respect to a potential solar project to be constructed by it upon the Property and in recognition by Kober Property that no portion of the Property should have been farmland assessed and the payment made to the Township represents an equitable reimbursement of the taxes that would have otherwise been due, had the entirety of the Property been assessed as commercial for the years 2002 through the current tax year.
5. The Township Clerk shall provide a certified copy of this Resolution to all parties of interest.
6. This Resolution shall take effect immediately.

The within **Resolution 2021-60** was moved by Committeeperson Mike Toretta and seconded by Committeeperson Mike Ferri and upon roll call vote was passed.

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

CERTIFICATION

I, Denise Becton, CERTIFY that this is a true and correct copy of a Resolution adopted by the Township Committee at a regular meeting held on October 4, 2021.

Denise L. Becton, RMC/CMR
Municipal Clerk

Discussion

Farming Contracts – Mr. Santini and Mr. Woolf contracts have been extended to the end of the 2023 Harvest Season. The committee would like to keep these farming contracts on the same calendar year and would like to offer Mr. Petty, who farms the old Brandywine Property, the same extension until the end of the 2023 Harvest Season. Attorney Benbrook will reach out and prepare the necessary document to move forward.

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2021-9

**Ordinance 2021-9
SALARY ORDINANCE
“AMENDED”
TOWNSHIP OF FRANKLIN
WARREN COUNTY, NJ**

On motion by Mike Toretta and seconded by Rich Herzer to open the Public Hearing. This Ordinance has been amended after introduced with the following changes:

- DPW Road Repairer I to read DPW Road Laborer I \$50,000*
- Add DPW Road Laborer II, \$55,000*
- Day Laborer \$20/hour in lieu of \$18/hour*

Public Comments - None Heard

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

**Ordinance 2021-9
SALARY ORDINANCE
“AMENDED”
TOWNSHIP OF FRANKLIN
WARREN COUNTY, NJ**

BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey that;

1. The Compensation of each member of the Township Committee of the Township of Franklin, County of Warren and Sate of New Jersey shall be and the same is hereby set at 2,900.00 per annum. payable quarterly, Mayor \$4,938.00 per yr.
2. The salaries and wages of the Officers and other employees of the Township of Franklin, County of Warren, and State of New Jersey hereinafter set forth, shall be as follows:

Assessor, per year	\$27,488.00
Collector, per year	\$28,676.00
Assistant Treasurer, per year	\$ 4,664.00
Municipal Clerk, per year	\$68,094.00
Office Assistant, per year	\$16,095.00
Dog Licensing Official, per year	\$ 2,132.00
Zoning/Code Enforcement Officer, per year	\$24,585.00
Land Use Board Secretary, per year	\$21,394.00
LUB Special Meetings to be paid at \$150, per	Out of Applicants Escrow

mtg.	
Open Space Clerk, per year	\$ 5,438.00
Maintenance/Event Supervisor	\$ 10.00/hour
Emergency Management Co-Ord., per year	\$12,798.00
Deputy OEM	\$ 1,255.00
911 Co-Ord., per year	\$ 2,509.00
Recycling, per year	\$ 7,743.00
DPW Foreman	\$ 62,478.00
DPW Asst. Foreman	\$ 59,501.00
*DPW Road Laborer II	\$ 55,000.00
*DPW Road Laborer I	\$ 50,000.00
All Department of Public Works. - Employee's time and a half over 8- hour day.	
*Day Laborer	\$ 20.00/hour
Emergency Call Out – Snowplow Drivers	\$ 20.00/hour-NON CDL \$ 25.00/hour-CDL

ALL AUTHORIZED TOWNSHIP OFFICIALS OR EMPLOYEES OF THE TOWNSHIP WHILE ON OFFICIAL BUSINESS FOR THE TOWNSHIP, WHEN A SWORN VOUCHER IS APPROVED BY THE TOWNSHIP COMMITTEE, SHALL BE PAID PER THE IRS STANDARD MILEAGE RATE, PER MILE, FOR USE OF THEIR OWN PERSONAL VEHICLE.

3. All Ordinance or parts of ordinances which are inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.

That this Ordinance shall remain in effect for one year. That said Ordinance will be presented for final reading and adoption at a public meeting to be held on October 4th, 2021 at or near the hour of 7:00 p.m. following publication in the Express Times/NJ Zone.

On motion by Bonnie Butler and seconded by Mike Ferri the aforementioned **Ordinance 2021-9** be introduced as read. Final reading and adoption to take place on October 4, 2021 **at 7:00 p.m. or near that hour.**

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

On motion by Committeeperson Rich Herzer and seconded by Mike Toretta the aforementioned **Ordinance 2021-9** be adopted as amended.

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

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 September 13, 2021. Second reading, public hearing will be held on October 4, 2021 at or near 7:00 PM in the Franklin Township Municipal Building, 2093 Rt. 57, Broadway, New Jersey.

Denise L. Becton, Municipal Clerk

REPORTS/UPDATES

Engineer Report – No formal report submitted. Montana Road retaining wall work to be schedule, a Construction Easement will be needed and a ROW designation. The Millbrook Road paving project plans were modified and submitted to the NJDOT. Engineer followed up with the WC Engineer and still no update as to the proposed plans on Main Street in Asbury. Committeeperson Butler inquired as to any updates with Wolverton Road. Engineer and Road Foreman will examine this site. Kennan inquired as to any updates with Main Street in Asbury, signage/speed. The attorney informed that this is a county road, and they have jurisdiction over any approvals. Discussion as speed on this road and a possible purchase of a flashing sign to help capture driver’s attention to help slow down traffic.

Attorney Report – No formal report submitted. An Ordinance to be placed on next month’s agenda for fire department fund drives as requested by Warren County. Spoke with Ben Eskow the County Executive for WC Habitat for Humanity and advised not as much COAH funds available as previously informed. A letter addressed to 105 Good Springs Road has been mailed pertaining to the drainage problem. Committeeman Herzer inquired as to an update with township owned properties and solar projects. Attorney to follow up with this. Committeeman Toretta informed that three out of five solar inverters on the municipal building is showing an error message and why are we paying for additional work needed for the solar to this building and to make this equipment run.

Open Space –

Committeeman Herzer informed, no meeting

Jim Onembo – Code Enforcement/Zoning

Mr. Onembo has not heard anything further from the wedding venue at 170 Bloomsbury Road. They were instructed to contact the Land Use Board to continue or will need a letter for the record that weddings will cease. Visited a home on Old Main Street in Asbury as to complaints of burning and maintaining the house and shrubs a letter was sent to follow up. A new abandoned property to be registered in the township at 2517 Rt. 57.

Recycling – No report

Office of Emergency Management - Denise Becton, DOEM –

FEMA has been using our building for report of residential damages only from Storm IDA. They will be done at the end of the week.

Fire Department/EMS – Karen Chiu

Touch a Truck this Saturday, October 9th from 10 am – 2 pm.

Franklin Township Community Center – Eddy Patient – not present

DPW REPORT – No Report submitted – Joe Biel

Roadside mowing, painting of fields for soccer and new gate is up for the brush area. The damaged truck is back from C&T. The new DPW hire started today. Committeeman Herzer informed at the end of Good Springs and Willow Grove Road, it is overgrown and needs to be mowed.

Franklin Township Youth Association – No one present

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

NJSP- no representation present

Township Committee Reports:

Rich Herzer –

Committeeman Herzer informed of additional Dioxane updates and a potential Poet System option. Assembly DiMaio is looking for an update from the State regarding this issue. A sampling was scheduled for October 13th however it appears this is getting pushed back until the end of the month. Township Committee has mailed out letters to various state/federal agencies as to this matter. Attorney Benbrook informed the public present that the Tax Assessor will have to be addressed individually, however, the mayor advised that nothing can be done for 2021 taxes. Attorney Benbrook will follow up with Commissioner Kern as to his participation.

Mike Toretta –

Committeeman Toretta had nothing to report.

Bonnie Butler-

Committeeperson Butler, CFO and Municipal Clerk had an informative phone conference with the State Health Benefits Representatives, targeting January 1st to start coverage.

Mike Ferri, Mayor –

Mayor had nothing further to report.

At this time, the floor was open to Public Session at approximately 8:50 pm

OPEN PUBLIC SESSION

Jackie Rochelle – Inquired as to the potential warehouses on Bloomsbury Road, the environment, pollution traffic and speeding and well contamination. Attorney Benbrook informed that the committee

has no jurisdiction and instructed not to prejudge an application. You are speaking to the wrong committee as you will need to address on the Land Use Board level. Engineer Finelli informed that no open public session in the Land Use Board meetings if no public comment is opened.

Sue Kennan – Inquired as to tearing down of a historical house in Asbury.

Karen Chiu – Informed of a potential site distant problem at one of her bus stops near Taborelli’s. She was informed that this is a county road to have the school address with Warren County directly.

Close the floor to Public Session at 9:15 pm

EXECUTIVE SESSION

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

**RFP – Municipal Professionals
Personnel - for 2022**

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 4th, day of October 2021 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 9:15 pm.

On Motion by Mike Toretta and seconded by Rich Herzer to exit to executive session at 9:15 p.m. Unanimous Vote.

On motion by Mike Toretta and seconded Mike Ferri to return to the regular session at 9:45 p.m. Unanimous Vote.

MOTION FOR PAYMENT OF BILL LIST:

On motion by Mike Ferri and seconded by Mike Toretta, to pay, the Bills List as submitted by the CFO, accordingly.

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

MOTION FOR ADJOURNMENT:

On motion by Rich Herzer and seconded by Mike Toretta, hearing no objection, meeting stands adjourned at 9:46 pm.

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

Respectfully submitted,

Denise L. Becton
Municipal Clerk