

**REGULAR MEETING
Monday, December 05, 2022**

The Franklin Township Committee held a Regular Monthly Meeting on Monday, December 5, 2022, at the hour of 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, a moment of silence in memory of Irene Brownell, an employee of Franklin Township for 25 years as the Court Administrator for Central Warren Court and longtime Rescue Squad member.

A roll call of committee members present.

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, Jim Onembo, Zoning/Code Enforcement Officer, Joe Biel, DPW Foreman, Denise L. Becton, Municipal Clerk

CONSENT AGENDA:

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

- 1. APPROVALS**
 - a. Meeting Minutes **RE: November 7, 2022**
 - b. Executive Session Minutes **RE: September 6, 2022**
 - c. Executive Session Minutes **RE: October 3, 2022**
 - d. Executive Session Minutes **RE: November 7, 2022**
- 2. RESOLUTIONS**
 - a. Resolution 2022-64 **RE A resolution requesting permission for the Dedication By Rider for ‘Storm Recovery Trust Fund (PL2013, c. 271 and NJS 40a:4-62.1)**
 - b. Resolution 2022-65 **RE: Tax Refund Block 38 Lot 9 sum of \$2,638.37 overpayment of taxes by property owner**
 - c. Resolution 2022-66 **RE: Tax Refund Block 34.03 Lot 3 sum of \$3,267.25 overpayment of taxes by property owner**
 - d. Resolution 2022-67 **RE: Tax Sale Cert#2021-005 on Block 17 Lot 5 property owner redeemed lien sum of \$6,527.21 to Firsttrust Bank**
 - e. Resolution 2022-68 **RE: Tax Refund Block 48 Lot 27, 48 Anderson Rd. sum of \$18,708.00 to Pro Cap/Firsttrust Bank**
 - f. Resolution 2022-69 **RE: Tax Refund Block 17 Lot 5, 2163 Rt. 57 sum of \$18,708.00 to Pro Cap/Firsttrust Bank**
 - g. Resolution 2022-70 **removed from agenda by Tax Collector (NOT ADOPTED) RE: Tax Sale Cert#2020-010 Block 56 Lot 17 refund of \$22,980.26 to ProCap**
 - h. Resolution 2022-71 **RE: Tax refund on Block 61 Lot 9 of \$538.15 to Rocky Ridge Preservation, LLC**
 - i. Resolution 2022-72 **RE: Tax Sale Cert#2022-004 Block 48 Lot 5 Qfarm refund to JB Farms the tax lien amount**

On motion by Committeeperson David Guth and seconded by Committeeperson Mike Ferri, approving the Consent Agenda above.

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 2022-64

DEDICATION BY RIDER

FRANKLIN TOWNSHIP, WARREN COUNTY

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ‘STORM RECOVERY TRUST FUND (PL2013, c. 271 and NJS 40A:4-62.1

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Franklin Township Committee provides for receipt of budgeted storm recovery funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Storm Recovery Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Committee of Township of Franklin, Warren County New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Storm Recovery Trust Fund (PL2013, c. 271 and NJS 40A:4-62.1.
2. The Clerk of the Township of Franklin, County of Warren is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-64** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

Denise L. Becton

Denise L. Becton, RMC, CMR
Municipal Clerk

RESOLUTION NO. 2022-65

WHEREAS, an overpayment of taxes was made by the seller of Block 38 Lot 9, and

WHEREAS, the property owner has requested a refund check be issued,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$2,638.37 to Sean Dauer, 40 Thatcher Ave., Stewartsville, NJ 08886.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-65** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-66

WHEREAS, an overpayment of taxes was made by the seller of Block 34.03 Lot 3, and

WHEREAS, the property owner has requested a refund check be issued,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$3,267.25 to Lori Tidona, 22 Quarry Road, Stewartsville, NJ 08886.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-66** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-67

WHEREAS, US Bank-Cust for ProCap 8 FBO, Firsttrust Bank holds Tax Sal Certificate#2021-005 on Block 17 Lot 5, and

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the redemption amount of \$6,527.21 to ProCap 8 FBO, Firsttrust Bank, POB 774, Fort Washington, NJ 19034.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-67** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-68

WHEREAS, delinquent 2021 property taxes on Block 48 Lot 27 were included in the November 16, 2022 Tax Sale and,

WHEREAS, the property owner paid this delinquency before the ten day waiting period was up,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the Tax Sale amount of \$ \$16,708.11 plus premium of \$2,000.00 for a total of \$18,708.11 to Pro Cap 8 FBO Firstrust Bank, POB 774, Fort Washington, PA 19034.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-68** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-69

WHEREAS, delinquent 2021 property taxes on Block 17 Lot 5 were included in the November 16, 2022 Tax Sale and,

WHEREAS, the property owner paid this delinquency before the ten-day waiting period was up,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the Tax Sale amount of \$ \$6,527.21 to Pro Cap 8 FBO Firstrust Bank, POB 774, Fort Washington, PA 19034.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-69** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

[Denise L. Becton](#)

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-71

WHEREAS, a tax payment was made in error by the prior property owner of Block 61 Lot 9, and

WHEREAS, the prior owner has furnished proof of payment and has requested a refund check be issued,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the sum of \$ \$538.15 to Rocky Ridge Preservation LLC, 5199 Pennock Pt Rd., Jupiter, FL 33458.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-71** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

[Denise L. Becton](#)

Denise L. Becton, Municipal Clerk

RESOLUTION NO. 2022-72

WHEREAS, JB Farms holds Tax Sale Certificate #2022-004 on Block 48 Lot 5 Qfarm and,

WHEREAS, the property owner has redeemed this lien,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee authorize the Tax Collector to refund the Tax Lien amount of \$ 2617.22 to JB Farms,
100 Asbury Broadway Road, Washington, NJ 07882.

On motion by David Guth and seconded by Mike Ferri the aforementioned **Resolution 2022-72** be adopted as read.

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

Dated: December 5, 2022

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of the Township of Franklin, In the County of Warren, New Jersey, at a meeting held on December 5, 2022.

[Denise L. Becton](#)

Denise L. Becton, Municipal Clerk

OLD BUSINESS

Tax Collector Recommendations - Mayor Toretta spoke with Karin Kneafsey, Tax Collector, she is still looking for the November bank statements. We will need to check in with Auditor, Anthony Ardito if all is rectified.

Employee Policy Manual – A resolution will be prepared by Attorney Benbrook to recodify the policy manual with all tract changes.

Liability Insurance-P.L. 2022, c.92 (businesses/rental units) and Lead Paint Inspection Compliance - Attorney Benbrook will prepare one ordinance to comply with both to introduce early next year.

Collection of Municipal Open Space Tax – Per Attorney Benbrook we can discuss this in our Budget Workshop and decide how much to apply to the 3rd/4th quarter taxes of 2023 by resolution. Per SADC to be eligible for funding a municipality must establish a dedicated source of funding for farmland preservation pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) such as open space tax.

Out of Warranty Backup Appliance – Per our IT administrator, Jean Paul Reece, our backup appliance has reached the end-of-life status, meaning it is out of warranty with the hardware vendor. If we confirm prior to December 9th and agree to a 1-year support term the appliance will cost \$650 and the service cost to replace the appliance is \$675.

On motion by Bonnie Butler and seconded by Mike Ferri, to approve as per above proposal from IT.

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

REPORTS/UPDATES

Engineer – We received a grant for Millbrook Road Phase III for 2023 in the amount of \$73,022. A total grant award for all three phases for this project is \$297,322. Mr. Finelli will incorporate a letter of recommendation on how to proceed forward. The 1,4 Dioxane Project is on schedule and in the survey/data collection mode. We received notification from NJDEP with some minor changes to the “Draft” of The Flood Damage Management Ordinance. Changes will be made and the ordinance will be placed on the Re-Organization agenda for introduction and adoption at the February 2023 meeting. Committeeperson Butler inquired as to the placement of guiderail on Shurts Road, advising it will be relatively soon per Mr. Finelli.

Attorney – A letter was sent out to Old Republic Insurance Company on behalf of their Principal Samson Concrete Construction for the project Lower and Upper Bank Stabilization for Shurts Road. Samson rejected the contract with the township. If payment for the Bid Bond is not received a declaratory judgement action will be issued. As per Attorney Benbrook, the DPW is to block off all entrances for the Tigar Property now owned by the township to avoid additional dumping. Mr. Benbrook will deal directly with all inquiries as to access to the tract that Tigar still owns. Engineer Finelli will work on a survey to clear up boundary margins on this newly acquired property. Proposals received from Max Spann and Fielder for those potential properties of In-Rem Foreclosures if we choose to auction off. The attorney will collect data to create requests for proposals next year as to solar on township owned properties.

Open Space Commission – No representation

Jim Onembo – Code Enforcement/Zoning - Report submitted and on file
Mr. Onembo inquired as to the recently acquired abandoned property on Rt. 57/Hunters Tavern, this is a liability to the township. Deputy Mayor Guth has spoken to Mr. Hunter and he has already removed some items from this property. Attorney Benbrook requested that all entrances be blocked off to this property by the DPW. Prior to transfer of Deed and closing on this

property, to deter any out-of-pocket expense to the township, specific stipulations will be put into place to remove all debris/vehicles.

Recycling – not present

Fire Department/EMS –

Chrissy Brown present informed of the following. Fire calls 102 YTD; 78 in Franklin, 14 Bethlehem, 11 Other. EMS calls 1102 dispatched not all responded to; 276 in Franklin, 24 Harmony, 233 in Washington, 146 in Greenwich, 416 in Phillipsburg, 6 Other. November Fire calls 12; 11 in Franklin, 1 Bethlehem. EMS calls 103, 27 in Franklin, 2 in Harmony, 23 in Washington, 20 in Greenwich, 31 in Phillipsburg.

Karen Chiu was informed that the fire/ems budget is totally expended. A bill came in today and the CFO only paid what was left in budget monies.

Office of Emergency Management – Shawna Tabert, OEM – Present

The second meeting of the Local Emergency Management Council was last week. We are signing in for Radio checks and participating in the active shooter training and county wide classes. The generator grant at the squad building needs to meet the 500-year flood plain, once electrical component is completed a letter from the engineer is needed to finalize by the end of the year. In the process of closing out winter storms, including from years 2015/2021. As to the submitted EMAA grant we received a letter of funding of \$10,000 and will be received in June of 2023.

DPW REPORT – Joe Biel – report submitted on file –

Franklin Township Youth Association – No representation

Franklin Township Community Center – No representation

Musconetcong River Management Council – MRMC – No representation

NJSP- No representation

Township Committee Reports:

Bonnie Butler- Still working on the Farmland Plan. Reviewed meeting tapes of April 4th and there was nothing mentioned of biometric features being approved as well as any mention of Harmony Township. Back in March we approved a temporary Deputy OEM position for no more than 6 months, recommend eliminating the position. Mayor Toretta would like to keep the position until the end of the year.

Rich Herzer – Regards to the portable toilets for the community center, would like to revisit this decision. Small kids walking around to the back of the building to use the bathroom in the cold, and no sidewalks. Suggest we remove the portable toilets, allow renters to use our in-house bathrooms and with the extra money received for rental of the facility to have the septic pumped twice a year. Bathrooms will need to be cleaned, paper products replenished more often. It is the consensus of the committee to move forward with this recommendation from Mr. Herzer and he will discuss with our Community Center Coordinator Patient to implement.

Mike Ferri – **Agreeing** with the previous discussion when ready to auction township properties, placing verbiage in the contract to have the potential buyer to remove all debris and rehabilitate within a certain amount of time or the property will revert back to the township. Per Attorney Benbrook if this is listed in the Deed it will be enforceable.

David Guth – Nothing further to report.

Mayor Toretta – Thank you to Karen Chiu, a great event and a tremendous turnout at the holiday tree lighting ceremony Friday night. It is the consensus of the committee to plant a tree for use next year.

At this time, the floor was open to Public Session at approximately 7:59 p.m., by Mayor Toretta, all in favor.

OPEN PUBLIC SESSION

Karen Chiu – Thank you to the committee for the moment of silence in memory of Irene Brownell.

Pat Banes – Would like confirmation that the committee has decided to remove the portable toilets allowing renters of the Community Center the use of in-house bathrooms. Committeeman Herzer reassured that this is the committee’s decision.

At this time, close the floor to Public Session at 8:01 p.m., all in favor.

EXECUTIVE SESSION

BE IT RESOLVED on this 5th day of December 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

- a. Contract Negotiations – Shared Services
- b. Personnel – DPW/Tax Collector’s Office

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 5th day of December 2022 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at approximately 8:01 p.m.

On Motion by Rich Herzer and seconded by David Guth to exit to executive session at 8:01 p.m. Unanimous Vote.

On motion by David Guth and seconded Mike Ferri to return to the regular session at 8:29 p.m. Unanimous Vote.

Attorney Benbrook briefed the executive session discussions. Shared Services with White Township for CFO/QPA, Personnel Liaison Butler will sit down with the CFO/QPA to see how things are going and tighten up a few things. Also, Personnel Liaison Butler will discuss with our DPW the full-time vs. part-time call out rates.

MOTION FOR PAYMENT OF BILL LIST:

On motion by Bonnie Butler and seconded by David Guth, to pay the bills once submitted by the CFO, with three signatures of approval by committee.

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 Bonnie Butler and seconded by Mike Ferri, hearing no objection, meeting stands adjourned at 8:30 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