

**REGULAR MEETING
Monday, March 7, 2022**

The Franklin Township Committee held a Regular Monthly Meeting on Monday, March 7, 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.

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, Donna Becker, Municipal Engineer, Kathleen Reinalda, CFO, Joe Biel, DPW Foreman, Jim Onembo, Zoning/Code Enforcement, Denise L. Becton, Municipal Clerk.

CONSENT AGENDA:

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

2. APPROVAL

- a. Meeting Minutes **RE: February 7, 2022**
- b. Executive Minutes **RE: February 7, 2022**
- c. Raffle License #2022-1 **RE: 50/50 (On Premise) Habitat for Humanity Warren County**
- d. Raffle License #2022-2 **RE: Tricky Tray (On Premise) Habitat for Humanity Warren County**

3. RESOLUTIONS – FIRST READING/ADOPTION

- a. Res. 2022-29 **RE: In REM Foreclosure of Municipally held Tax Sale Certs**
- b. Res. 2022-30 **RE: Budget Transfer**

On motion by Committeeperson David Guth and seconded by Rich Herzer, to approve the minutes/raffles/resolutions listed on 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

Introduction/Adoption the following Resolution 2022-29 and Resolution 2022-30

**RESOLUTION 2022-29
AUTHORIZING IN REM FORECLOSURE OF
MUNICIPALLY HELD TAX SALE CERTIFICATES**

WHEREAS NJSA 54:5-104.35 provides the authority for a governing body to proceed with the In Rem Foreclosure process on those municipally held tax sale certificates held for more than six months from the date of Tax Sale and contain real estate taxes that are unpaid for at least 21 months:

NOW, THEREFORE BE IT RESOLVED on this 7th day of March 2022 by the Mayor and Township Committee of the Township of Franklin that the Township Attorney is hereby authorized to proceed with the In Rem Foreclosure of the Tax Sale Certificates reflected upon the certified foreclosure list, prepared by the Tax Collector

and attached hereto, pursuant to the Rules of Civil Practice in the Superior Court of New Jersey.

On motion by David Guth and seconded by Rich Herzer the aforementioned **Resolution 2022-29** 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) Abstained	Motion Carried

CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Franklin Township Committee at a meeting held on March 7, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk/Registrar
Franklin Township, Warren County, NJ

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

**RESOLUTION – 2021-30
BUDGET TRANSFER**

WHEREAS, N.J.S.A. 40A:4-58 and 59 authorizes transfers from certain budget appropriations where it is expected that it will be insufficient, and

WHEREAS, it is reasonable expected that certain appropriations will not be sufficient for contemplated expenditures;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer of Franklin Township, County of Warren, State of New Jersey, is hereby instructed to adjust the financial records in accordance with the provision of this Resolution:

CURRENT FUND

<u>Account:</u>	<u>From:</u>	<u>To:</u>
Engineering Services O/E	8,000.00	
Land Use Board O/E	9,033.00	
General Admin O/E		507.00
Financial Admin O/E		526.00
Legal Services		16,000.00
TOTALS	\$17,033.00	\$17,033.00

On motion by David Guth and seconded by Rich Herzer the aforementioned **Resolution 2022-30** 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) Abstained	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 March 7, 2022.

Denise L. Becton

Denise L. Becton, Municipal Clerk
Franklin Township

NEW BUSINESS – Community Center

Mayor Toretta was informed of heavy usage activity in the community center over the past weekend, cars parked on the lawn and bathrooms left a mess. A concern as to the taxing on our septic system. We need to look at the cost of utilities and what is coming in from groups that rent out the facility annually, we cleared \$10,000 in 2021. Eddy Patient advised that this is the winter season with heavy basketball activities. It is more crowded during this time and participants overlap between each game. The occupancy limit has not been exceeded. FTYA and Franklin Residents are not charged to rent the facility however, outside groups pay full price. We need to further review our guidelines, rental fee costs and utility costs and group capacities and our septic system, to see if we might need to adjust the activity for future rentals.

OLD BUSINESS

PUBLIC HEARING AND CONSIDERATION OF:

Final Reading and Adoption of Ordinance 2022-3

Ordinance No. 2022 – 3

ORDINANCE TO AMEND CHAPTER 119 OF THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED “STORMWATER CONTROL” TO REFLECT AMENDMENTS REQUIRED BY THE NEW JERSEY HIGHLANDS COUNCIL, THE WARREN COUNTY PLANNING DEPARTMENT AND BY THE NJDEP STORMWATER MANAGEMENT RULES

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

No Public Comments

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

On motion by Committeeperson Mike Ferri and seconded by Committeeperson Rich Herzer the
aforenoted Ordinance 2022-3 be adopted at final reading.

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

REPORTS/UPDATES

Engineer –

Donna Becker informed the Millbrook Road Project is moving forward, and the survey is almost completed. Montana Road Project, the excavator is waiting for the ground to dry out to start the work. The Dioxane Project estimate has been submitted to the NJDEP and waiting for approval on their end. We still need committee approval for the NRCS Project (Shurts Road) and only have a 220-day timeframe for work to be completed.

Attorney –

Attorney Benbrook briefed the committee on the Tax Foreclosure and searches. As to the active Gupta Litigation the invoice received for approximately \$10,000 is due for retention fees and coinsurance amounts. Heisler Litigation has been completed. Livingston Litigation no fees to date have been submitted. Lighting/Invasive Species ordinances still searching sample ordinances. The township committee is required to complete harassment training and protecting minors as per new guidelines in our Policy/Procedure Manual. The Kober's Solar Project is on hold.

Open Space Commission – no one present

Jim Onembo – Code Enforcement/Zoning - Report submitted

Recycling – Report submitted

Office of Emergency Management – No report

Fire Department/EMS – Jan Verkade – Thank you for your continued support. Calls to Date: 225 EMS, 20 Fire. 2021 calls for EMS 161, Fire 12. Stations have buntings hung in memory of past member Bill Heinrich. Deputy Mayor Guth will meet with the Fire Chief in a few weeks.

DPW REPORT – Joe Biel

Foreman Biel advised that one of his road laborers still has a pending \$300 bill he paid directly to his Dentist. Advised for employee and/or Dentist to resubmit this claim, employer doesn't get involved with these claims.

Franklin Township Youth Association – No one present

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

Franklin Township Community Center – Eddy Patient – Mr. Patient advised the winter season is almost over and rental fees for the spring season will begin to come in.

NJSP- no representation present

Township Committee Reports:

Bonnie Butler-

The new Policy/Procedure manual recently adopted does not address a Dress Code for the DPW, Use of Vehicles, Paid and Unpaid Time Off (Holidays), Personal Leave and Bereavement and no Table of Contents. Attorney Benbrook informed we can readopt amendments to include. The Office Assistant and Open Space and Recycling positions still need to be addressed. Mayor Toretta spoke with Kevin Murray who has currently been working with our Recycle Coordinator completing and certifying our recycling reports and he would be interested to move into this position effective March 31st.

On motion by Bonnie Butler and seconded by David Guth, to have Kevin Murray step into the complete Recycle Coordinator position at a salary of \$6,000 annually.

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

Mike Ferri – nothing further to report

Rich Herzer –

A recent accident at Rt. 57 and Stewartsville Road, Mr. Herzer would like to see this intersection improved. Donna Becker will discuss with Engineer Finelli a cost estimate and any grants available to improve this intersection. A discussion with the property owner of the farm access road just up the road is another idea.

David Guth – nothing further to report

Mayor Toretta - nothing further to report

At this time, the floor was open to Public Session at approximately 7:55 p.m., by Mayor Toretta.

OPEN PUBLIC SESSION

Dave Leary – His place of business this past weekend they held a Program for children with Special Needs and our Fire/EMS and NJSP participated. The kids were elated. Donna Becker reviewed the information submitted to the NJDEP as to lineal feet of water main, services to be hooked up and the number of wells to be capped. A discussion as to the installation and who provides fire hydrants.

Don Gonczy – Is there a timeline when the shovels will be in the ground pertaining to the Dioxane issue. As per Deputy Mayor Guth we are waiting on the DEP and will keep in contact with them.

Close the floor to Public Session at 8:05 p.m., David Guth made the motions Rich Herzer seconded the motion, all in favor.

EXECUTIVE SESSION

BE IT RESOLVED, on this 7th day of March, 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

**Personnel
Potential Litigation
Contract Negotiations**

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 7th, day of March 2022 by the Franklin Township Committee, that the matter stated will be discussed in executive session, said session to commence at 8:06 p.m.

On Motion by David Guth and seconded by Rich Herzer to exit to executive session at 8:06 p.m. Unanimous Vote.

On motion by Mike Ferri and seconded Rich Herzer to return to the regular session at 8:50 p.m. Unanimous Vote.

Attorney Benbrook summarized the executive session discussions. Zoning matter and ongoing violations, an injunctive relief to be filed. Re-assignment from Petty to Truskowski for the remainder of the farming of Block 26 Lots 3 and 8. The municipal clerk will look for an assistant as she feels need.

On motion by Bonnie Butler and seconded by Mike Ferri, to hire Shawna Tabert as our Emergency Management Coordinator for a salary of \$4,000.

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 PAYMENT OF BILL LIST:

On motion by Bonnie Butler and seconded by Rich Herzer, to pay, the Bills List as submitted by the CFO, exceptions for Comcast and JCP&L vouchers pulled with questions.

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 David Guth, hearing no objection, meeting stands adjourned at 8:55 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